

Tunney Act Protest Letter Re: Verso-NewPage Merger
March 11, 2015
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Unfortunately, Mr. Baker never received any written response to these letters (or the earlier one that he had written Mr. Baer on November 12, 2014). And, as noted above, the only response Mr. Baker received was in the January 30, 2015 phone call that you and other Division staff members had with him and our team to advise us that no inquiry would be made of the Verso-AIM transaction – fittingly but ironically stated on the very same day that the merged Verso entity announced the \$40/ton increase in its pricing for coated printing paper! In that call, you responded to our request for clarification by telling us explicitly that the Division would “never undertake any Sherman Act investigation” into the propriety of the Verso-AIM sale and scrapping of the Bucksport Mill.

The Tunney Act submissions made to the District Court concerning communications between Verso and the Division tend to confirm that the Division failed to conduct any serious inquiry into the issues that Mr. Baker raised in his letters and other communications -- including: (i) the 2011-2013 merger-related efforts and capacity reduction activities involving Apollo, Verso, NewPage, and AIM; (ii) the likely adverse, anticompetitive market consequences of eliminating the Bucksport Mill's capacity from the North American coated paper market; (iii) Verso's express statements to Bucksport employees that it “would never sell the Bucksport Mill to a competitor”; and (iv) the likely availability of competitors willing to continue to operate the Bucksport Mill as a productive paper mill who were, and are, willing to pay more for the Bucksport Mill than the scrapper AIM ultimately paid for this facility as an incipient scrap heap.

Requested Action

Pursuant to the Tunney Act, I respectfully request, on behalf of 58 former Bucksport Mill employees and IAMAW Local 1821 that: (i) the Division withdraw its consent to the Consent Decree, and (ii) if the Division fails to do so, that the Court reject the Consent Decree. The Court should then instruct the Division that it should either: (i) require the parties to divest at least two more paper mills, preferably to some more independent operator than Catalyst; or (ii) take steps to cause (or require Verso to cause) AIM to sell the Bucksport Mill to a qualified operator willing to reopen it as a paper mill and cease and desist from all actions intended to scrap the Mill's paper-making capacity. Such a sale could be to a competitor of Verso's willing to pay *a reasonable price* (i.e., scrap value + \$1) and continue to operate this facility as a paper mill engaged in the production of paper in the North American market.

We also respectfully request that the Division more fully explain than it did in the Competitive Impact Statement whatever legal reasoning and economic analysis there was behind its decision to only require, as a condition for approving the merger, the divestment of paper mills located in Rumford, Maine, and Biron, Wisconsin, while permitting destruction *rather than divestiture* of the Bucksport Mill. Such an explanation, if credible, might do much to improve the public image of the Division among those of us who live and work in the Penobscot Bay area of Maine.

Respectfully submitted,



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Maine Bar No. 6969

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DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Disclosures by Insurers to General Account Policyholders

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration

(EBSA) sponsored information collection request (ICR) titled, “Disclosures by Insurers to General Account Policyholders,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 29, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201505-1210-003 (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at DOL_PRA_PUBLIC@dol.gov.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: OIRA_submission@omb.eop.gov. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: DOL_PRA_PUBLIC@dol.gov.

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at DOL_PRA_PUBLIC@dol.gov.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Disclosures by Insurers to General Account Policyholders information collection. Regulations 29 CFR 2550.401(c)-1 imposes specific requirements on insurers that are parties to transition policies, in order to ensure fiduciaries acting on behalf of plans have adequate information and understanding of how the transition policies work. Certain of these requirements constitute information collections subject to the PRA. Specifically, to the extent a transition policy first issued prior to January 1, 1999, to or for the benefit of an employee benefit plan is not a guaranteed benefit policy, the insurer must annually disclose to the plan fiduciary: (1) The methods by which income and expenses of the insurer's general account are allocated to the policy, the actual annual return to the plan, and other pertinent information; (2) the extent to which alternative

arrangements supported by the assets of the insurer's separate accounts are available; (3) any rights under the policy to transfer funds to a separate account and the terms governing such right; and (4) the extent to which support by assets of the insurer's separate accounts might pose differing risks to the plan. Employee Retirement Income Security Act section 404(c) authorizes this information collection. See 29 U.S.C. 1104(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210-0114.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 15, 2014 (79 FR 61903).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210-0114. The OMB 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 submission of responses.

Agency: DOL-EBSA.

Title of Collection: Disclosures by Insurers to General Account Policyholders.

OMB Control Number: 1210-0114.

Affected Public: Private Sector—Businesses or other for profits.

Total Estimated Number of Respondents: 397.

Total Estimated Number of Responses: 32,000.

Total Estimated Annual Time Burden: 135,000 hours.

Total Estimated Annual Other Costs Burden: \$12,000.

Dated: May 22, 2015.

Michel Smyth,

Departmental Clearance Officer.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA-2015-044]

National Industrial Security Program Policy Advisory Committee Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of advisory committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101-6, NARA announces a meeting of the National Industrial Security Program Policy Advisory Committee (NISPPAC).

DATES: The meeting will be on July 15, 2015, from 10 a.m. to 12 p.m. EDT.

ADDRESSES: National Archives and Records Administration; 700 Pennsylvania Avenue NW.; Archivist's Reception Room, Room 105; Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert Tringali, Program Analyst, by mail at ISOO, National Archives Building; 700 Pennsylvania Avenue NW.; Washington, DC 20408, by