

the Pooled Fund itself technically cannot satisfy the requirement that at least 50% of the units of beneficial interest in the Pooled Fund be held by plans having total net assets with a value of at least \$50 million.

The Department accepts this comment and has modified the language of section I(o) of the exemption to clarify that the requirements therein are satisfied if each plan in the Pooled Fund meets the general requirement of \$50/\$100 million, even though 50 percent or more of the units of beneficial interest in such Pooled Fund are not held by plans.

Accordingly, in consideration of the entire record, including the comments submitted by the Applicants, the Department has determined to grant the exemption as proposed, with the modifications and clarifications described herein.

**FOR FURTHER INFORMATION CONTACT:** Gary Lefkowitz of the Department, telephone (202) 693-8546. (This is not a toll-free number).

*IBEW Local No. 1 Health and Welfare Fund (the Welfare Fund) and IBEW Local No. 1 Apprenticeship and Training Fund (the Training Fund; collectively, the Funds) Located in St. Louis, MO*

[Prohibited Transaction Exemption 2003-25; Exemption Application Nos. L-11155 and L-11156, respectively]

#### *Exemption*

The restrictions of section 406(a) of the Act shall not apply to the lease of certain classroom space and supplemental facilities (the Lease) by the Welfare Fund to the Training Fund.

The exemption is subject to the following conditions:

(1) The terms of the Lease are at least favorable to the Welfare Fund and the Training Fund as those obtainable in an arm's length transaction with an unrelated party.

(2) Qualified, independent appraisers have determined the initial amount of the Lease payments.

(3) A qualified, independent fiduciary, The Philip Company, has approved the Lease and has agreed to monitor the terms of the exemption, at all times, on behalf of the Welfare Fund.

(4) The independent fiduciary agrees to take whatever actions are necessary and proper to enforce the Welfare Fund's rights under the Lease and to protect the participants and beneficiaries of the Welfare Fund.

(5) The rental payments under the Lease are adjusted once every five years by the independent fiduciary to ensure that such Lease payments are not greater

than or less than the fair market rental value of the leased space.

(6) The fair market rental amount for the leased space, at no time, will exceed 25 percent of the assets of either Fund, including any improvements that are constructed thereon.

(7) The independent fiduciary and the Board of Trustees of the Welfare Fund have determined that the Lease is an appropriate investment for the Welfare Fund and is in the best interest of the Welfare Fund's participants and beneficiaries.

(8) The Board of Trustees of the Training Fund has determined that the Lease transaction is an appropriate investment for the Training Fund and is in the best interest of the Training Fund's participants and beneficiaries.

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 May 22, 2003 at 68 FR 28026.

**FOR FURTHER INFORMATION CONTACT:** Ms. Silvia M. Quezada of the Department, telephone (202) 693-8553. (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 11th day of August 2003.

**Ivan Strasfeld,**

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

[FR Doc. 03-20765 Filed 8-13-03; 8:45 am]

**BILLING CODE 4510-29-M**

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of July 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

#### Negative Determinations for Worker Adjustment Assistance

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A)(I.C.) (Increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

#### Negative Determinations for Worker Adjustment Assistance

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a)(2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-51,945; *State of Alaska Commercial Fisheries Entry Commission Permit #S)4K61830V, Kodiak, AK*

TA-W-51,949; *Peerless Corp., div. of Advanced Cast Products, Ironton, OH*

TA-W-52,094; *Anemostat, Inc., Scranton, PA*

TA-W-52,177; *Redman Knitting, Inc., Ridgewood, NY*

TA-W-52,220; *NMC Finishing, Inc., Nickell Moulding Co., Inc., Malvern, AR*

TA-W-52,221; *Motorola, Inc., Semiconductor Products Sector, MOS 5, Mesa, AZ*

TA-W-52,251; *Waukesha Cherry-Burrell, Delavan, WI*

TA-W-52,264; *Springs Industries, Inc., Lyman Printing and Finishing Plant, Lyman, SC*

TA-W-52,386; *Fishing Vessel (F/V) Family Pride, Kodiak, AK*

TA-W-52,387; *Fishing Vessel (F/V) Viking, Cordova, AK*

TA-W-52,143; *Larimer and Norton, Inc., Galeton, PA*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-52,217; *Modular Mining Systems, Inc., Tucson, AZ*

TA-W-52,222; *O'Neill and Sons, Inc., Tumwater, WA*

TA-W-52,223; *O'Neill Transportation, LLC, Tumwater, WA*

TA-W-52,320; *Computer Sciences Corporation (CSC), Newark, DE*

TA-W-52,325; *Stream International, Inc., Beaverton, OR*

TA-W-52,329; *ASML, Austin, TX*

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

TA-W-52,019; *Actronix, Inc., Flippin, AR*

The investigation revealed that criteria (a)(2)(A) (I.B) (Sales or production, or both, did not decline) and (a)(2)(B) (II.B) (has shifted production to country not under the free trade agreement with U.S) have not been met.

TA-W-51,952; *Fishing Vessel (F/V) MS. Ingrid, Sand Point, AK*

#### Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA-W-52,060; *Amital Spinning Corp., New Bern, NC: June 17, 2002.*

TA-W-51,699; *Meadwestvaco, Consumer Packaging Div., Cleveland, TN: May 7, 2002.*

TA-W-51,773; *Regal Ware, Inc., Kewaskum, WI and West Bend, WI: April 30, 2002.*

TA-W-51,852; *Unifi, Inc., Nylon Div., Plant #3, Madison, NC, A; Dyed Div., Plant #4, Reidsville, NC, B; Dyed Div., Plant #15, Mayodan, NC, C; Nyloh Div., Plant #7, Madison, NC, D; Corporate Office, Greensboro, NC, E; Nylon Div., Plant #1, Madison, NC, F; Nylon Div., Plant #5, Madison, NC, G; Dyed Div., Plant #2, Reidsville, NC, H; Unifi/Sans, Spinning Div., Stoneville, NC, I; Polyester Div., Plant #22, Staunton, VA, J; Polyester Div., Plant T1, Yadkinville, NC, K; Polyester Div., Plant T2, Yadkinville, NC, L; Polyester Div., Plant T4, Yadkinville, NC, M; Polyester Div., Plant T5, Yadkinville, NC, N; Spinning Div., Plant F1, Yadkinville, NC, O; Dyed Div., Altamahaw, NC, P; Central Distribution Center, Madison, NC, Q; Warehouse 1 and 2, Yadkinville, NC, R; Transportation, Yadkinville, NC and S; Warehouse, Fort Payne, AL: May 15, 2002.*

TA-W-52,044; *Spectrum Dyed Yarns, Inc., Kings Mountain, NC: June 12, 2002.*

TA-W-52,077; *H and H Sewing, Blaine, MN: June 1, 2002.*

TA-W-52,090; *Conn-Selmer, Inc., Vincent Bach Plant, Elkhart, IN: June 18, 2002.*

TA-W-52,113; *Georgetown Steel Co., LLC, Georgetown, SC: June 20, 2002.*

TA-W-52,132; *Pennsylvania House, Inc., Monroe, NC: June 23, 2002.*

TA-W-52,157; *Trombeta, LLC, Menomonee Falls, WI: June 25, 2002.*

TA-W-52,189; *Oplink Communications, San Jose, CA: June 18, 2002.*

TA-W-52,191; *Image Metal Works, Inc., Milton Freewater, OR: June 30, 2002.*

TA-W-52,203; *Dresser, Inc., Berea, KY: July 1, 2002.*

TA-W-52,230; Faribault Woolen Mill Co., Faribault, MN: June 2, 2002.

TA-W-52,281; Tiffany Industries LLC, Conway, AR: July 9, 2002.

TA-W-52,294; Richardson Brothers Furniture Co., a div. of Richardson Brothers Co., Sheboygan Falls, WI: July 9, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of Section 222 have been met.

TA-W-52,196; Humboldt Hermetic Motor Corp., Humboldt, TN: June 25, 2002.

TA-W-52,167; General Mills, Inc., Bakeries and Foodservice Div., Formerly The Pillsbury Co., Hazelwood, MO: June 21, 2002.

TA-W-52,134; Trico Products Corp., Buffalo Plant, Buffalo, NY: June 12, 2002.

TA-W-52,248; Fibergrate Composite Structures, Inc., a div. of RPM International, Inc., including leased workers of Snelling Personnel Services and Staffmark, Piney Flats, TN: July 1, 2002.

TA-W-52,288; Pliana, Inc., Charlotte, NC: June 30, 2002.

TA-W-52,098; Fishing Vessel (F/V) Secure, Bow, WA: June 19, 2002.

TA-W-52,279; Jacuzzi Bros., div. of Jacuzzi, Inc., subsidiary of Jacuzzi Brands, Inc., Little Rock, AR: June 11, 2002.

TA-W-52,272; Cooper Bussman, Electrical Products Div., including leased workers of Adecco Personnel a subsidiary of Cooper Industries, Black Mountain, NC: June 17, 2002.

I hereby certify that the aforementioned determinations were issued during the months of July 2003. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 1, 2003.

**Timothy Sullivan,**

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-20727 Filed 8-13-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,311]

#### Ceodeux, Inc., Mt. Pleasant, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 15, 2003, in response to a worker petition filed by a company official on behalf of workers at Ceodeux, Inc., Mt. Pleasant, Pennsylvania.

The subject worker group is covered by a petition filed on July 2, 2003 that is the subject of an ongoing investigation for which a determination has not yet been issued (TA-W-52,312). Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 4th day of August, 2003.

**Richard Church,**

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-20725 Filed 8-13-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,350]

#### Fisher Controls International, LLC, Valve Division, Sherman, TX; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 21, 2003, in response to a petition filed by a company official on behalf of workers at Fisher Controls International, LLC, Valve Division, Sherman, Texas.

The company official has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation under this petition has been terminated.

Signed at Washington, DC, this 4th day of August 2003.

**Linda G. Poole,**

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-20722 Filed 8-13-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,422]

#### Fishing Vessel (F/V) Loon, Point Baker, AK; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 30, 2003, in response to a petition filed by a company official on behalf of workers of F/V Loon, Point Baker, Alaska.

The petition regarding the investigation has been deemed invalid. In order to establish a valid worker group, there must be at least three full-time workers employed at some point during the period under investigation. Workers of the group subject to this investigation did not meet this threshold level of employment. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 4th day of August, 2003.

**Linda G. Poole,**

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-20719 Filed 8-13-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,391]

#### General Electric Company, Industrial Systems Division, Mebane, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 25, 2003 in response to a worker petition filed on behalf of workers at General Electric Company, Industrial Systems Division, Mebane, North Carolina.

The petitioning group of workers is covered by an active certification issued on July 17, 2003 and which remains in effect (TA-W-52,163). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 29th day of July, 2003.

**Linda G. Poole,**

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-20721 Filed 8-13-03; 8:45 am]

BILLING CODE 4510-30-P