

the Trustee, including but not limited to the Initial Shares. The portion of Employer Stock subject to this "demand registration" right is limited at any time to the number of shares that the Independent Fiduciary may sell under the Stock Transfer Restriction and Voting Agreement. Additionally, the Plan is also given "piggyback" registration rights under the Registration Rights Agreement, under which it may include a portion of its shares in any registration of shares that the company undertakes for its own account or that of any other stockholder.

14. In summary, the applicants represent that with respect to the transactions described herein, the requirements of section 408(a) of the Act have been met because:

(a) An Independent Fiduciary will represent the Plan and its participants and beneficiaries for all purposes relating to the acquisition, holding, disposition, ongoing management, and voting of Employer Stock. The Independent Fiduciary will authorize the Trustee to accept or dispose of Employer Stock only after such Independent Fiduciary determines, at the time of the transaction, that such transaction is feasible, in the interest of the Plan, and protective of the participants and beneficiaries of such Plan, subject to the terms of the Registration Rights Agreement, and Stock Transfer Restriction and Voting Agreement;

(b) The appropriate fair market value of any Employer Stock contributed by WPC and WPSC to the Trust will be established by the Independent Fiduciary;

(c) The Plan or Trust incurs no fees, costs or other charges (other than those described in the Engagement Letter Agreement and the Trust Agreement) as a result of any of the transactions described herein; and

(d) The terms of any transactions between the Plan and the Companies will be no less favorable to the Plan than terms negotiated at arm's length under similar circumstances between unrelated third parties.

Notice to interested Persons: The applicants represent that notice will be provided by first class mail by WPSC within ten (10) calendar days from the date of this publication of this Notice in the **Federal Register** to each of its retirees, surviving spouses, and/or dependents covered under the Plan. Such notice will contain a copy of the Notice, as it appears in the **Federal Register** on the date of the publication, and a copy of the supplemental statement, as required, pursuant to 29 CFR 2570.43(b)(2), which will advise

such interested persons of their right to comment and to request a hearing.

#### FOR FURTHER INFORMATION CONTACT:

Brian J. Buyniski of the Department, telephone (202) 693-8545. (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 23rd day of November, 2004.

**Ivan Strasfeld,**

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

[FR Doc. 04-26355 Filed 11-29-04; 8:45 am]

BILLING CODE 4510-29-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,290]

#### **Butler Manufacturing Company, Subsidiary of Bluescope Steel, Ltd., Buildings Division, Fabricated Frames Production, Including Support Personnel, Galesburg, IL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on September 28, 2004, applicable to workers of Butler Manufacturing Company, subsidiary of BlueScope Steel, Ltd, Buildings Division, Fabricated Frames Production, Galesburg, Illinois. The notice was published in the **Federal Register** on October 4, 2004 (69 FR 62463).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of pre-engineered metal buildings.

New information shows that worker separations have occurred involving the support personnel of the Fabricated Frames Production, Butler Manufacturing Company, Galesburg, Illinois. These workers provided support services for the production of pre-engineered metal buildings systems produced by the subject firm.

Accordingly, the Department is amending this certification to extend coverage to the support personnel of the Fabricated Frames Production, Butler Manufacturing Company, Galesburg, Illinois.

The intent of the Department's certification is to include all workers of Butler Manufacturing Company, Fabricated Frames Production, including support personnel, Galesburg, Illinois who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA-W-55,290 is hereby issued as follows:

All workers of Butler Manufacturing Company, subsidiary of BlueScope Steel, Ltd., Buildings Division, Fabricated Frames Production, including support personnel, Galesburg, Illinois working at Butler Manufacturing Company, subsidiary of BlueScope Steel, Ltd., Buildings Division, Fabricated Frames Production, Galesburg, Illinois (TA-W-55,290), who became totally or partially separated from employment on or after July 16, 2003, through September 28, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC this 12th day of November, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-3365 Filed 11-29-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,903]

#### **Butternut Bakery, Div. of Interstate Bakeries Grand Rapids, MI; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 2, 2004 in response to a worker petition on behalf of workers at Butternut Bakery, division of Interstate Bakeries, Grand Rapids, Michigan.

This worker group was the subject of a recent investigation, the result of which is a negative determination issued on October 28, 2004 (TA-W-55,745). The subject bakery has been closed since December, 2003 and hence there is no new information which would result in a reversal of the Department's recent determination. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 18th day of November 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-3372 Filed 11-29-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,799]

#### **CDI Professional Services, Workers at General Dynamics Land Systems California Technical Center, Goleta, CA; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 14, 2004 in response to a petition filed on behalf of workers at CDI Professional Services employed at General Dynamics Land Systems, California Technical Center, Goleta, California. Workers were largely test engineers and R&D specialists who worked at the California Technical Center supporting production of armored vehicle components at a General Dynamics Land Systems facility in Alabama.

The Department of Labor issued negative determinations applicable to the workers of General Dynamics Land Systems, California Technical Center, Goleta, California (TA-W-55,658), which included leased workers of CDI Professional Services at the Center. No new information or change in circumstances is evident which would result in a reversal of the Department's previous determinations. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 17th day of November 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-3369 Filed 11-29-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,943]

#### **Clinton Tube (USA), Plattsburgh, NY; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 5, 2004 in response to a petition filed by a company official on behalf of workers at Clinton Tube (USA), Plattsburgh, New York.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 17th day of November 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-3374 Filed 11-29-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,893]

#### **Fiskars Brands, Inc., Soc Wausau, Wausau, WI; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 1, 2004, in response to a petition filed by the company on behalf of workers at Fiskars Brands, SOC Wausau, Wausau, Wisconsin.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 18th day of November, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-3371 Filed 11-29-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,982]

#### **Fort Hill Lumber Company Including Leased Workers of Express Personnel Services/Brown & Dutton, Grand Ronde, OR; Notice of Revised Determination on Reopening**

The Department on its own motion reopened the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination signed on July 29, 2004 was based on the finding that imports of various solid wood products, such as dimensional lumber did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on August 20, 2004 (69 FR 51715).