

the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption can be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interest of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(4) This proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions. 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

(5) This proposed exemption, if granted, is subject to the express condition that the facts and representations set forth in the Prior Exemptions and this notice, accurately describe, where relevant, the material terms of the transactions to be consummated pursuant to this exemption.

#### Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption by regular mail, electronic mail or facsimile to the addresses or facsimile number noted above, within the time frame set forth above, after the publication of this proposed exemption in the **Federal Register**. All comments will be made a part of the record. Comments received will be available for public inspection with the referenced applications at the address set forth above.

#### Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990).

If the exemption is granted, 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, by reason of section 4975(c)(1)(A) through (E) of the Code

shall not apply, (1) effective October 1, 1999, until September 30, 2002, to the leasing by the Plan of a parcel of real property and the improvements thereon (the New Facilities Property), as described in Prohibited Transaction Exemption (PTE) 81-56 (46 FR 36273, July 17, 1981), to the Truman Arnold Companies, Inc. (the Employer), a party in interest with respect to the Plan; and (2) effective October 1, 2002, with respect to the leasing by the Plan to the Employer, under the provisions of a master lease (the Master Lease) of the New Facilities Property, another parcel of real property and the improvements comprising the Employer's headquarters (the Home Site Property), as described in PTE 85-19 (50 FR 3045, January 23, 1985), and two buildings (the Buildings) constructed on the Home Site Property, as described in PTE 89-5 (54 FR 4348, January 30, 1989). (The New Facilities Property, the Home Site Property and the Buildings are collectively referred to herein as the "Properties.")

This proposed exemption is subject to the following conditions:

(a) The terms of the Master Lease remain at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

(b) The Employer is obligated under the terms of the Master Lease for expenses incurred by the Properties, including taxes and assessments, maintenance, insurance and utilities.

(c) The interests of the Plan with regard to the Master Lease are, at all times, represented by an independent fiduciary. Such independent fiduciary—

(i) Represents the interests of the Plan for the remaining duration of the Master Lease;

(ii) Monitors the terms and conditions of the Master Lease on behalf of the Plan;

(iii) Enforces compliance with all conditions of the Master Lease;

(iv) Ensures that the Master Lease remains in the best interest of the Plan and protective of the Plan's participants and beneficiaries;

(v) Following review and evaluation of the Master Lease, determines that the retention of the Properties by the Plan and the continued leasing of such Properties to the Employer are in the best interest of the Plan and its participants and beneficiaries;

(vi) Adjusts the rental rate under the Master Lease every third year such lease is in effect based upon independent appraisals of the Properties and ensures that the rentals equal the greater of 14 percent of the fair market value of the Properties or the prior rental amounts paid; and

(vii) Takes all actions that are necessary and proper to enforce and protect the rights of the Plan and its participants and beneficiaries.

(d) The rental rate under the Master Lease, during its initial term and each renewal term remains at 14 percent of the fair market value of the Properties, which amount is not less than the current fair market value of such Properties;

(e) The aggregate fair market value of the Properties that are subject to the Master Lease, at no time, exceeds 25 percent of the Plan's assets.

The availability of this proposed exemption is subject to the express condition that the material facts and representations contained in the application for exemption are true and complete and accurately describe all material terms of the transactions. In the case of continuing transactions, if any of the material facts or representations described in the applications change, the exemption will cease to apply as of the date of such change. In the event of any such change, an application for a new exemption must be made to the Department.

For a more complete statement of the facts and representations supporting the Department's decision to grant the Prior Exemptions, refer to the proposed exemptions and the grant notices which are cited above.

Signed in Washington, DC, this 3rd day of February, 2003.

**Ivan L. Strasfeld,**

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

[FR Doc. 03-2961 Filed 2-5-03; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, 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 January, 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility

requirements of section 222 of the Act must be met.

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

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

#### Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-42,254; *American Fibers and Yarns Co., Rocky Mount, NC*

TA-W-42,224; *Radio Frequency Systems, Conditioning Div., Including Leased Workers at Strategic Staffing and Selectemp, Corvallis, OR*

TA-W-42,286; *Best Manufacturing Co., Fayette, AL: September 14, 2001.*

TA-W-41,624; *ADC Telecommunications, 1000 Valley Park Drive, Shakopee, MN*

TA-W-42,278; *Owen Development Corp. d/b/a Intra, Spartanburg, SC*

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

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-42,324; *United Plastic Group, Inc., Bensenville, IL*

TA-W-42,004; *IBM Corp., Microelectronics Div., Essex Junction, VT*

In the following cases, 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.B.) (No Sales or Production declines) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,025; *Andrew Corp., Orland Park, IL*

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-50,015; *Houlton International Corp., Houlton, ME*

TA-W-50,231; *Snorkel International, a division of Omniquip Textron, Inc., Elwood, KS*

TA-W-50,281; *U.S. Manufacturing Corp., Bad Axe, MI*

TA-W-50,449; *PTC Alliance, Darlington, PA*

TA-W-50,114; *Cadmus Mack (CPS), East Stroudsburg, PA*

TA-W-50,312; *Intertape Polymer Group, Nenasha Div., Menasha, WI*

TA-W-50,185; *Smurfit-Stone Container Corp., Corrugated Container Div., Milwaukee, WI*

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) was not met.

TA-W-50,270; *Kreuter Manufacturing Co., Inc., New Paris, IN*

TA-W-50,307; *Xerox Corp., Xerox Supplies Business Group, Supplies Development Unit, Oklahoma City, OK*

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

TA-W-50,352; *Spherion Atlanta Enterprises, LLC, Wilmington, NC*

TA-W-50,423; *L.A. Darling Co. (LAD), a Member of Marmon Retail Services, Pocahtontas, AR*

TA-W-50,210; *Convergys, Technical Support Services, Jacksonville, FL*

TA-W-50,471; *MGM Transport Corp., Totowa, NJ*

TA-W-50,481; *Nautilus HPS, Inc., Independence, VA*

TA-W-50,486; *Electronic Data Systems Corp., I Solutions Center, Fairborn, OH*

TA-W-50,246; *Orcom Solutions, Inc., Bend, OR*

TA-W-50,518; *Bangor and Aroostook Railroad Co., Hermon, ME*

TA-W-50,485; *Oshkosh B'Gosh, Inc., Miami Trim Warehouse, Medley, FL*

TA-W-50,565; *ABM Janitorial Services, Greenville, SC*

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

TA-W-50,472; *Sharon Tube Co., Sharon, PA*

The investigation revealed that criteria (2) has not been met. The workers' firm (or subdivision) is not an upstream supplier of components for trade-affected companies.

TA-W-50,386; *Burelbach Industries, Inc., Rickreal, OR*

TA-W-50,213; *Fishercast, Inc., a Division of Fisher Gauge Ltd., Watertown, NY*

TA-W-50,217; *Emerald Creek Garnet Ltd., a subsidiary of WGI Heavy Minerals, Inc., Fernwood, ID*

TA-W-50,494; *Manufacturers' Services Limited (MSL), Arden Hills, MN*

#### 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.

TA-W-42,054; *Treesource Industries, Inc., d/b/a Spanaway Lumber, Tacoma, WA: August 21, 2001.*

TA-W-42,232; *Nilfisk-Advance, Inc., Plymouth, MN: September 26, 2001.*

TA-W-42,149; *Modine Manufacturing Co., Knoxville, TN: August 16, 2001.*

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

TA-W-50,086; *J.C. Apparel, Inc., A.K.A. American Apparel, Sebastopol, MS: November 14, 2001.*

TA-W-50,402; *Tillotson Healthcare Corp., Dixville Notch, NH: November 21, 2001.*

TA-W-50,290; *Sipex Corp., Billerica, MA: November 6, 2001.*

TA-W-50,278; *Dennis Windings, Inc., Wilkes-Barre, PA: December 3, 2001.*

TA-W-50,258 & A, B; *Weyerhaeuser Co., Cascade Operations, Softwood Lumber Div., Enumclaw, WA, Snoqualmie, WA and Tacoma, WA: December 2, 2001.*

TA-W-50,147; *Sanmina-SCI Corp., Printed Circuit Board Div., Tech Center East, Ward Hill, MA: November 14, 2001.*

TA-W-50,100; *Smith Systems Manufacturing Co., Princeton, MN: November 12, 2001.*

TA-W-50,480; *Miller Bag Co., Minneapolis, MN: December 23, 2001.*

TA-W-50,361; *OEM Shades, Inc., Ford City, PA: December 13, 2001.*

TA-W-50,298; *SPX Corp., Valves and Controls Div., Sartell, MN: November 15, 2001.*

TA-W-50,509; *Sensient Colors, Inc., a subsidiary of Sensient Technologies Corp., Crompton Corp., Birdsboro, PA: December 20, 2001.*

TA-W-50,385; *Santini Corp., Leoma, TN: December 17, 2001.*

TA-W-50,198; *Vaagen Brother Lumber, Inc., Republic, WA: November 25, 2001.*

TA-W-50,224; Upstate Printed Circuits, Inc., Syracuse, NY: November 30, 2001.

TA-W-50,084; Henry Pratt Co., Dixon, IL: November 7, 2001.

TA-W-50,084; Long Manufacturing, Thermal Products Div., a Div. of Dana Corp., Sheffield, PA: December 10, 2001.

TA-W-50,151; SIG Doyboy, Inc., a subsidiary of SIG Pack International, New Richmond, WI: November 20, 2001.

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

TA-W-50,050; Advanced Energy Industries, Inc. (AE), Advanced Energy—Flow Products, (Aera Products—TX), Austin, TX: November 8, 2001.

TA-W-50,394; Micro Component Technology, Inc. (MCT), St. Paul, MN: December 18, 2001.

TA-W-50,359; General Chemical Group, Manistee, MI: December 13, 2001.

TA-W-50,159; Pliant Solutions, Ft. Edward, NY: November 13, 2001.

TA-W-50,324; Smith Aerospace, Inc., Display and Control Systems, Malvern Div., a Subsidiary of Smiths Group LLP, Malvern, PA: December 9, 2001.

TA-W-50,223; Alcoa Fujikura LTD, Photonics Div., Allentown, PA: December 2, 2001.

TA-W-50,244; Medtronics Corp., a Vascular World Medical Div., Sunrise, FL: November 27, 2001.

TA-W-50,546; Emerson Tool Co., Paris, TN: January 10, 2002.

TA-W-50,405; Dorr-Oliver Eimco USA, Inc., Salt Lake City, UT: December 20, 2001.

TA-W-50,190; Powder Processing and Technology, LLC, Valparaiso, IN: November 20, 2001.

TA-W-50,036; Nortel Networks, Department #2446, Research Triangle Park, NC: November 5, 2001.

TA-W-50,095; Johnson Controls, Inc., Controls Group, Kennesaw, GA: November 3, 2001.

TA-W-50,183; Donaldson Co., Inc., Port Huron, MI: November 19, 2001.

TA-W-50,296; TRW Automotive, Engine Components Div., Danville, PA: December 12, 2002.

TA-W-50,318; Fairfield Manufacturing Co, Inc., Lafayette, IN: November 28, 2002.

TA-W-50356; Key Plastics LLC, Port Huron, MI: December 1, 2001.

The following certification have been issued. The requirement of upstream supplier to trade certified primary firm as been met.

TA-W-50,163; Seadrift Coke, L.P., a subsidiary of the Carbide/Graphite Group, Port Lavaca, TX: November 21, 2001.

TA-W-50,227; The Fabricating Source, Inc., Youngstown, OH: November 19, 2001.

TA-W-50,182; TSCO/Tube Specialties Co., Inc., Troutdale, OR: November 20, 2001.

TA-W-50,135; Punch Components, Inc., Lima, OH: November 12, 2001.

TA-W-50,010; Vulcan Chemicals, Workers Producing R-22 and Chloroform, Wichita, KS: November 4, 2001.

The following certification has been issued. The requirement of downstream finisher to trade certified primary firm has been met.

TA-W-50,199; J. Dreier Enterprises, LTD, New Brighton, MN: November 19, 2001.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of January, 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

## Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-07635; Plastic Products Co., Inc., Moline, IL.

NAFTA-TAA-07574; Radio Frequency Systems, Conditioning Div., including leased workers at Strategic Staffing and Selectemp, Corvallis, OR

NAFTA-TAA-06227; ADC

Telecommunications, 1000 Valley Park Drive, Shakopee, MN

NAFTA-TAA-07624; Pohlman Foundry Co., Inc., Buffalo, NY

NAFTA-TAA-06487; Disa Industries, Holly, MI

NAFTA-TAA-07577; Decatur Mold

Tool and Engineering, Inc., Southeast Div., Sanford, NC

NAFTA-TAA-07641; Nutramax Oral Care, Florence, MA

NAFTA-TAA-07631; United Plastics Group, Bensenville, IL

NAFTA-TAA-07548; ADC

Telecommunications, Inc., U.S. Photonics Engineering and Manufacturing, Vadnais Heights, MN

NAFTA-TAA-07602; Anderson Packaging, Inc., Rockford, IL

NAFTA-TAA-07630; Owen Development Corp., d/b/a Intra, Spartanburg, SC

## Affirmative Determinations NAFTA-TAA

NAFTA-TAA-06499; Treesource

Industries, Inc., d/b/a Spanaway Lumber, Tacoma, WA: August 21, 2001.

NAFTA-TAA-07615; Sermatech Manufacturing, Mal Tool Div., Manchester, CT: September 24, 2001.

NAFTA-TAA-06440; ADC

Telecommunications, 1087 Park Place, Shakopee, MN: June 11, 2001.

NAFTA-TAA-06490; IBM Corp., Microelectronics Div., Essex Junction, VT: August 14, 2001.

NAFTA-TAA-07652; Pacific Electriccord, a subsidiary of Leviton Manufacturing Co., Gardena, CA: October 4, 2001.

I hereby certify that the aforementioned determinations were issued during the months of January, 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: January 24, 2003.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-2847 Filed 2-5-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-42,107]

#### **Bath Unlimited, Inc., a Division of Masco Corporation Doing Business as Melard Manufacturing Corporation, Passaic, New Jersey; Amended Certification Regarding Eligibility To Apply for Worker 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 of Eligibility to Apply for Worker Adjustment Assistance on October 4, 2002, applicable to workers of Bath Unlimited, Inc., a Division of MASCO Corp., Passaic, New Jersey. The notice was published in the **Federal Register** on November 5, 2002 (67 FR 67418).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of showerhead and plumbing repair products.

New information provided by the State shows that Bath Unlimited is doing business as Melard Manufacturing Corporation as of January 1, 2002. Information also shows that workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Melard Manufacturing Corporation.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Bath Unlimited, Inc. who were adversely affected by imports. The amended notice applicable to TA-W-42,107 is hereby issued as follows:

"All workers of Bath Unlimited, Inc., a division of MASCO Corp., doing business as Melard Manufacturing Corporation, Passaic, New Jersey, who became totally or partially separated from employment on or after August 28, 2001, through October 4, 2004,

are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC this 13th day of January 2003.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-2865 Filed 2-5-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,167]

#### **Bike Athletic Company, Knoxville, TN; Amended Certification Regarding Eligibility To Apply for Worker 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 of Eligibility to Apply for Worker Adjustment Assistance on December 4, 2002, applicable to workers of Bike Athletic Company, Cutting Department, Knoxville, Tennessee. The notice was published in the **Federal Register** on December 23, 2002 (67 FR 78256).

The Union of Needletrades, Industrial and Textile Employees, Tennessee/Kentucky requested that the Department expand the certification to include all workers of the subject firm. The Department reviewed the certification for workers of the subject firm. The findings show that the Department issued certification coverage to all workers of the subject firm's Cutting Department.

The investigation conducted for the subject firm was on behalf of workers manufacturing (cut fabric) men's and women's athletic team apparel. The investigation revealed that company imports of men's and women's athletic team apparel increased while production and employment declined during the period of the investigation, thus impacting all workers of the subject firm.

It is the intent of the Department to include all workers of Bike Athletic Company adversely affected by increased imports. Therefore, the Department is amending the certification determination to correctly identify the worker group to read all workers.

The amended notice applicable to TA-W-50,167 is hereby issued as follows:

"All workers of Bike Athletic Company, Knoxville, Tennessee who became totally or partially separated from employment on or

after November 21, 2001, through December 4, 2004, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC this 14th day of January 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-2862 Filed 2-5-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-41,060; TA-W-41,060A; TA-W-41,060B; TA-W-41,060C; TA-W-41,060D; TA-W-41,060E; and TA-W-41,060F]

#### **Brooks Instruments, a Division of Emerson Process Management, Hatfield, Pennsylvania; Grayson, Georgia; Eden Prairie, Minnesota; Plantation, Florida; Boulder, Colorado; Houston Sales Office, Houston, Texas; Austin Sales Office, Austin, Texas; Amended Certification Regarding Eligibility To Apply for Worker 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 of Eligibility to Apply for Worker Adjustment Assistance on April 9, 2002, applicable to workers of Brooks Instrument, a Division of Emerson Process Management, Hatfield, Pennsylvania. The notice was published in the **Federal Register** on April 24, 2002 (67 FR 20166).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of sensors for flow meters.

Information shows that worker separations occurred at the Grayson, Georgia, Eden Prairie, Minnesota, Plantation, Florida, Boulder, Colorado, Houston Sales Office, Houston, Texas, Austin Sales Office, Austin, Texas locations of the subject firm. These locations provide sales and engineering support services for the subject firm's production facility in Hatfield, Pennsylvania.

Accordingly, the Department is amending the certification to included workers of the Brooks Instruments, a Division of Emerson Process Management, Grayson, Georgia, Eden Prairie, Minnesota, Plantation, Florida, Boulder, Colorado, Houston Sales Office, Houston, Texas, and the Austin Sales Office, Austin, Texas.