

(E) If the summary appraisal of the Property, due in mid-December 2003, contains a fair market rental value that is higher than the current fair market rental value set forth in the New Lease, the Employer will amend the New Lease to pay the Plan the higher amount, retroactive to January 1, 2004.

EFFECTIVE DATE: This exemption is effective as of January 1, 2004.

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 December 17, 2003 at 68 FR 70308.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department, telephone (202) 693-8540.

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 10th day of February, 2004.

Ivan Strasfeld,

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

[FR Doc. 04-3415 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-29-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,949]

American Fast Print LTD, U.S. Finishing Division, Greenville, South Carolina; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 6, 2004 in response to a petition filed on behalf of workers at American Fast Print LTD, U.S. Finishing Division, Greenville, South Carolina.

The three petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 30th day of January 2004.

Linda G. Poole,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 04-3316 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-54,000]

Arkansas Catfish Growers, Hollandale, Mississippi; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 14, 2004 in response to a petition filed by the company on behalf of workers at Arkansas Catfish Growers, Hollandale, Mississippi.

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 23rd day of January, 2004.

Elliott S. Kushner,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 04-3321 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,847]

Chicago Rawhide, Franklin, North Carolina; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 19, 2003, in response to a petition filed by a company official on behalf of workers at Chicago Rawhide, Franklin, North Carolina.

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

Signed at Washington, DC, this 28th day of January, 2004.

Linda G. Poole,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 04-3327 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,094]

Eastman Machine Company Buffalo, New York; Notice of Negative Determination Regarding Application for Reconsideration

By application of December 4, 2003, the United Automobile, Aerospace, and Agricultural Implement Workers of America, Local 936 requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice was signed on November 6, 2003 and published in the **Federal Register** on November 28, 2003 (68 FR 66877).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Eastman Machine Company, Buffalo, New York engaged in the production of manual and automatic cutting machines were denied because the "contributed importantly" group eligibility requirement of Section 222(3) of the Trade Act of 1974 was not met. The subject firm did not import manual and automatic cutting machines and production was not shifted abroad.

The union alleges that the subject firm failed to report imports of machines called D2's from China.

A company official was contacted in regard to these allegations. The official stated that D2 machines are indeed being imported by the subject firm, however, it is a very insignificant part of business which represents less than one percent of subject firm's total sales and production. Plant production and employment were not affected by these negligible imports during the relevant period.

The petitioner further alleges that the subject firm experienced "a drop in sales of another line of machines called the straight knife line due to cheaper clones being made in China and other countries." A production chart for years from 1988 to 2002 is attached in support of this allegation. The chart shows a decline in production of 629X machines from 2000 to 2001 and an increase from 2001 to 2002.

In its investigation, the Department considers production that occurred a year prior to the date of the petition. Thus the period ending in 2001 is outside the relevant period as established by the petition date of September 19, 2003. Thus a drop in production of 629X machines prior to 2001 is irrelevant in this investigation.

The union also alleges that Eastman is importing finished components for the machinery produced by the subject firm.

In fact, the original investigation revealed imports of components by the subject firm. However, in assessing the eligibility of a petitioning worker group for trade adjustment assistance, the Department considers imports that are "like or directly" competitive to those produced by the petitioning worker group. Imported components are used for further manufacturing by the subject firm and are not considered "like or directly" competitive with manual and automatic cutting machines produced

by the subject firm, and thus do not meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 23rd day of January, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-3310 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,996]

Eljer Plumbingware, Salem, Ohio; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 13, 2004 in response to a petition filed by a company official on behalf of workers at Eljer Plumbingware, Salem, Ohio.

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

Signed at Washington, DC, this 23rd day of January, 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-3322 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,430]

EMF Corporation, EMK Division, Burkesville, Kentucky; Notice of Revised Determination on Reconsideration

By application postmarked December 23, 2003, a petitioner requested administrative reconsideration regarding 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 issued on December 9, 2003, based on the finding that imports of electric wire harnesses 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 January 16, 2004 (69 FR 2622).

The petitioner requested that all areas of EMK's business transactions be thoroughly investigated. The petitioner appears to be indicating work done by the subject firm was shifted to Mexico.

Upon further review of the initial investigation and contact with the subject firm's largest customer, new information was provided revealing that the customer increased its import purchases of electric wire harnesses, while significantly decreasing its purchases from the subject firm.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at EMF Corporation, EMK Division, Burkesville, Kentucky, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of EMF Corporation, EMK Division, Burkesville, Kentucky, who became totally or partially separated from employment on or after October 21, 2002 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 28th day of January 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-3312 Filed 2-13-04; 8:45 am]

BILLING CODE 4310-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,419, TA-W-53,419A, and TA-W-53,419B]

Encee, Inc., Eden, North Carolina, Kannapolis, North Carolina, Smithfield, North Carolina; Notice of Revised Determination on Reconsideration

By letter dated December 10, 2003, the company requested administrative reconsideration regarding the