

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 19th day of August 2002.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 02-24115 Filed 9-20-02; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[NAFTA-06403]

#### Copper Wiring Devices, Division of Cooper Industries a/k/a Eagle Electronic Manufacturing Co., Long Island City, NY; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on July 23, 2002, in response to a petition filed on behalf of workers at Cooper Wiring Devices, Division of Cooper Industries, previously known as Eagle Electronic Manufacturing Company, Long Island City, New York.

The petitioning worker group is covered under an existing certification, NAFTA-4807. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 6th day of September, 2002.

**Elliott S. Kusner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 02-24118 Filed 9-20-02; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[NAFTA-5663]

#### Exide Technologies, Transportation Business Unit, Shreveport, LA; Notice of Revised Determination on Reconsideration

On August 12, 2002, the Department issued a Notice of Affirmative Determination Regarding Application

for Reconsideration for NAFTA-TAA applicable to workers and former workers of the subject firm. The notice was published in the Federal Register on August 20, 2002 (67 FR 53975).

The initial NAFTA-TAA petition investigation for workers at Exide Technologies, Transportation Business Unit, Shreveport, Louisiana was denied based on the finding that the subject firm did not shift to Canada or Mexico its production of lead-acid batteries for cars and trucks nor did it import like or directly competitive products from Canada or Mexico during the relevant period. The investigation further revealed that customers of the subject firm did not increase their imports of lead-acid batteries from Canada and/or Mexico during the relevant period.

The petitioner supplied a list of additional customers they believed should be surveyed. On further review, the Department conducted a survey of these customers to determine if imports contributed importantly to the declines in employment at the subject plant.

On reconsideration, the Department conducted a survey of the additional major customers of the subject plant regarding their purchases of lead-acid batteries during the relevant period. The survey revealed that a major customer increased their imports of lead-acid batteries from Mexico, while decreasing their purchases from the subject plant during the relevant period.

### Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports from Mexico of articles like or directly competitive with lead-acid batteries contributed importantly to the decline in sales or production and to the total or partial separation of workers of Exide Technologies, Transportation Business Unit, Shreveport, Louisiana. In accordance with the provisions of the Act, I make the following revised determination:

All workers of Exide Technologies, Transportation Business Unit, Shreveport, Louisiana who became totally or partially separated from employment on or after December 18, 2000, through two years from the date of this issuance, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.

Signed in Washington, DC this 10th day of September 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 02-24117 Filed 9-20-02; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[NAFTA-6365]

#### Oki Data America, Inc., a Subsidiary of Oki Data Corp., a Subsidiary of Oki Electric Industry Co., Ltd., Mount Laurel, NJ; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on July 15, 2002 in response to a petition filed by the company on behalf of workers at Oki Data Americas, Inc., a subsidiary of Oki Data Corp., a subsidiary of Oki Electric Industry Co., Ltd., Mount Laurel, New Jersey.

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

Signed in Washington, DC, this 4th day of September, 2002.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 02-24113 Filed 9-20-02; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (P.L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to

paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of P.L. 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, D.C. provided such request is filed in writing with the Director of DTAA not later than November 4, 2002.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the

Director of DTAA at the address shown below not later than November 4, 2002.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C-5311, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 12th day of September, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

#### APPENDIX

Subject firm	Location	Date received at governor's office	Petition number	Articles produced
Savane International (Wkrs) .....	El Paso, TX .....	08/26/2002	NAFTA-6,481	Cut fabrics.
Farley's and Sather Candy (Co.) .....	Oklahoma, OK .....	08/21/2002	NAFTA-6,482	Candy.
Federal Mogul—North America Friction (Co.) .....	Brighton, MA .....	08/23/2002	NAFTA-6,483	Friction products—brakes.
CommScope, Inc. of North (Co.) .....	Hickory, NC .....	08/26/2002	NAFTA-6,484	Coxial and fiber optic.
Oshkosh B'Gosh—Miami Trim Warehouse (Co.) .....	Medley, FL .....	08/19/2002	NAFTA-6,485	Trim items (zippers, buttons, thread).
Midwest Electric Products (Co.) .....	Mankato, MN .....	08/19/2002	NAFTA-6,486	Service entrance models.
Disa Industries (IRW) .....	Holly, MI .....	08/22/2002	NAFTA-6,487	Foundry machines.
Kimberly Clark (PACE) .....	Neenah, WI .....	08/22/2002	NAFTA-6,488	Feminine care products.
Minnesota Brewing Molding (Wkrs) .....	St. Paul, MN .....	08/22/2002	NAFTA-6,489	Malt beverage/beer.
IBM Corporation (Wkrs) .....	Essex Junction, VT .....	08/22/2002	NAFTA-6,490	Semiconductor modules.
Hoffco—Comet Industries (Co.) .....	Rushville, IN .....	08/21/2002	NAFTA-6,491	Transmission for washing machines.
Maurer Enterprises (Wkrs) .....	Grans Pass, OR .....	08/09/2002	NAFTA-6,492	Wooden stakes and poles.
United Sweater Mills (Co.) .....	Jersey City, NJ .....	08/23/2002	NAFTA-6,493	Sweaters.
Doncasters—Turbo Products (Wkrs) .....	Ivoryton, CT .....	08/12/2002	NAFTA-6,494	Gas turbine blades.
Hasler, Inc. (Co.) .....	Shelton, CT .....	08/12/2002	NAFTA-6,495	Meters.
Wyman Gordon Forgings (IAMAW) .....	Houston, TX .....	08/21/2002	NAFTA-6,496	Aircraft engine components.
International Ceramic Welding (Co.) .....	DeMotte, IN .....	08/21/2002	NAFTA-6,497	Refactory.
Leatherworks (UAW) .....	Detroit, MI .....	08/20/2002	NAFTA-6,498	Leather sealing skins.
TreeSources Industries—Spanaway Lumber (Wkrs) .....	Tacoma, WA .....	08/21/2002	NAFTA-6,499	Lumber.
Marconi (Co.) .....	Toccoa, GA .....	08/20/2002	NAFTA-6,500	Telecommunication equipment.
Spectralink (Wkrs) .....	Boulder, CO .....	08/19/2002	NAFTA-6,501	Cell phones.
Mo Tech (Wkrs) .....	Oakdale, MN .....	08/20/2002	NAFTA-6,502	Injection molds.
Fashion Star (Wkrs) .....	Carrollton, GA .....	08/22/2002	NAFTA-6,503	Ladies apparel.
Owens Brigam Medical (Co.) .....	Corona, CA .....	07/23/2002	NAFTA-6,504	Injection molds.
Hudson RCI (Co.) .....	Temecula, CA .....	08/15/2002	NAFTA-6,505	Plastic medical products.
Motorola (Wkrs) .....	Mesa, AZ .....	08/26/2002	NAFTA-6,506	Pressure sensors.
Autoline Industries (Co.) .....	Argyle, WI .....	08/30/2002	NAFTA-6,507	Calipers and distributors.
Pliant Solutions (PACE) .....	Fort Edward, NY .....	08/23/2002	NAFTA-6,508	Printed pattern vinyl.
Dana Corporation (Co.) .....	Hastings, NE .....	08/27/2002	NAFTA-6,509	Cylinder liners.
Northern Engraving (Wkrs) .....	Lansis, IA .....	08/26/2002	NAFTA-6,510	Stamping.
NetManage (Wkrs) .....	Bellingham, WA .....	08/28/2002	NAFTA-6,511	Software products.
Fishking Processors (Wkrs) .....	Los Angeles, CA .....	08/05/2002	NAFTA-6,512	Fish and seafood products.
Power Technologies (Wkrs) .....	Erie, PA .....	08/29/2002	NAFTA-6,513	AC and DC power distribution units.
Emgle Products (USWA) .....	Johnstown, PA .....	08/29/2002	NAFTA-6,514	Hand carried and twin stack units.
Laurel Mould (Wkrs) .....	Greensburg, PA .....	08/29/2002	NAFTA-6,515	Moulds for glass.
Hershey Foods (Co.) .....	Pennsburg, PA .....	08/29/2002	NAFTA-6,516	Confectionery products.
Metropolitan Steel—Steelco (Wkrs) .....	Sinking Springs, PA .....	08/29/2002	NAFTA-6,517	Building materials.
Johnstown Knitting Mill (Co.) .....	Johnstown, NY .....	08/29/2002	NAFTA-6,518	Knitware.
Surgical Corp. of America (Co.) .....	Irvington, NY .....	08/29/2002	NAFTA-6,519	Disposable medical gauze products.
Fashion Enterprise (Wkrs) .....	El Paso, TX .....	08/29/2002	NAFTA-6,520	Ladies suits, pants, jackets etc.
Alcoa Badin Works (Co.) .....	Badin, NC .....	08/29/2002	NAFTA-6,521	Aluminum engots, coils.
Weyerhaeuser Company (Co.) .....	Albany, OR .....	08/28/2002	NAFTA-6,522	Logging.
Northern Engraving (Co.) .....	Holmen, WI .....	09/03/2002	NAFTA-6,523	Decorative trim for auto, boats, etc.
Milwaukee Electric Tool (Wkrs) .....	Brookfield, WI .....	09/03/2002	NAFTA-6,524	Electric power tools.
Perfection Schwank (Co.) .....	Wanesboro, GA .....	09/05/2002	NAFTA-6,525	Heaters.

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## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

[Application No. D-10986, et al.]

### Proposed Exemptions; Bank of America (BofA)

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Notice of proposed exemptions.

**SUMMARY:** This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

### Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

**ADDRESSES:** All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration (PWBA), Office of Exemption Determinations, Room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. \_\_\_, stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to PWBA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: [moffittb@pwba.dol.gov](mailto:moffittb@pwba.dol.gov), or by FAX to (202) 219-0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, U.S.

Department of Labor, Room N-1513, 200 Constitution Avenue, NW., Washington, DC 20210.

### Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

### Bank of America (BofA); Located in Bethesda, Maryland

[Application No. D-10986]

#### Proposed Exemption

The Department is considering granting an 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 32,836, 32,847, August 10, 1990). If the exemption is granted, the restrictions of section 406(a) 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 (D) of the Code, shall not apply to (1) the granting to BofA by the Westbrook Real Estate Fund III, L.P. (LP), a Delaware Limited Partnership, of a first, exclusive, and prior security interest in the capital commitments (Capital Commitments), reserve amounts (Reserve Amounts), and capital contributions (Capital Contributions),

whether now owned or after-acquired, of certain employee benefit plans (Plans) investing in the LP; (2) the collateral assignment and pledge by the LP to BofA of its security interest in each Plan's limited partnership interest, whether now owned or after-acquired; (3) the granting by the LP of a first, exclusive, and prior security interest in a borrower collateral account to which all Capital Contributions will be deposited when paid (Borrower Collateral Account); (4) the granting to BofA by Westbrook Real Estate Partners Management III, L.L.C., a Delaware limited liability company and the general partner of the LP (the General Partner), of its right to make calls for cash contributions (Drawdowns) under the Amended and Restated Agreement of Limited Partnership of Westbrook Real Estate Fund III, L.P., dated as of June 10, 1998 (Agreement), where BofA is the representative of certain lenders (the Lenders) that will fund a so-called "credit facility" (Credit Facility) providing credit to the LP, and the Lenders are parties in interest with respect to the Plans; and (5) the execution of a partner agreement and estoppel (Estoppel) under which the Plans agree to honor the Drawdowns; provided that (i) the proposed grants, assignments, and Estoppels are on terms no less favorable to the Plans than those which the Plans could obtain in arm's-length transactions with unrelated parties; (ii) the decisions on behalf of each Plan to invest in the LP and to execute such Estoppels in favor of BofA, for the benefit of each Lender, are made by a fiduciary which is not included among, and is independent of and unaffiliated with, the Lenders and BofA; (iii) with respect to Plans that may invest in the LP in the future, such Plans will have assets of not less than \$100 million<sup>1</sup> and not more than 5% of the assets of such Plan will be invested in the LP; and (iv) the General Partner is unrelated to any Plan and any Lender.

**Effective Date:** If this proposed exemption is granted, it will be effective July 30, 1998.

### Summary of Facts and Representations

1. The LP is a Delaware limited partnership, the sole general partner of which is the General Partner. The General Partner is a separate affiliate of Westbrook Real Estate Partners, L.L.C.

<sup>1</sup> In the case of multiple plans maintained by a single employer or a single group of employers treated as a single employer under Sections 414(b), 414(c), 414(m), and 414(o) of the Code, the assets of which are invested on a commingled basis (e.g., through a master trust), this \$100 million threshold will be applied to the aggregate assets of all such plans.