

(1) Is not directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with SCA, SCA North America or SCA Re (this relationship hereinafter referred to as an "Affiliate");

(2) Is not an officer, director, employee of, or partner in, SCA, SCA North America or SCA Re (or any Affiliate of either);

(3) Is not a corporation or partnership in which SCA, SCA North America or SCA Re has an ownership interest or is a partner;

(4) Does not have an ownership interest in SCA or SCA Re, or any of either's Affiliates;

(5) Is not a fiduciary with respect to the Plans prior to the appointment; and

(6) Has acknowledged in writing acceptance of fiduciary responsibility and has agreed not to participate in any decision with respect to any transaction in which the Independent Fiduciary has an interest that might affect its best judgment as a fiduciary.

For purposes of this definition of an "Independent Fiduciary," no organization or individual may serve as an Independent Fiduciary for any fiscal year if the gross income received by such organization or individual (or partnership or corporation of which such individual is an officer, director, or 10 percent or more partner or shareholder) from SCA, SCA Re, or their Affiliates (including amounts received for services as Independent Fiduciary under any prohibited transaction exemption granted by the Department) for that fiscal year exceeds 5 percent of that organization or individual's annual gross income from all sources for such fiscal year.

In addition, no organization or individual who is an Independent Fiduciary, and no partnership or corporation of which such organization or individual is an officer, director, or 10 percent or more partner or shareholder, may acquire any property from, sell any property to, or borrow funds from SCA, SCA Re, or their Affiliates during the period that such organization or individual serves as Independent Fiduciary, and continuing for a period of six months after such organization or individual ceases to be an Independent Fiduciary, or negotiates any such transaction during the period that such organization or individual serves as Independent Fiduciary.

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 4, 2004 at 69 FR 24679.

**FOR FURTHER INFORMATION CONTACT:** Gary H. Lefkowitz of the Department, telephone (202) 693-8546. (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 1st day of July, 2004.

**Ivan Strasfeld,**

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

[FR Doc. 04-15362 Filed 7-6-04; 8:45 am]

**BILLING CODE 4510-29-P**

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-54,884]

##### **American Airlines, Las Vegas Reservations Office, Las Vegas, NV; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 11,

2004 in response to a worker petition filed by on behalf of workers at American Airlines, Las Vegas Reservations Office, Las Vegas, Nevada.

All workers were separated from the subject firm more than one year before the date of the petition. Section 223(b) of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

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

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-15319 Filed 7-6-04; 8:45 am]

**BILLING CODE 4510-30-P**

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-55,034]

##### **Android Industries, Lordstown LLC, Vienna, Ohio; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 14, 2003, in response to a petition filed on by a company official on behalf of workers of Android Industries, Lordstown LLC, Vienna, Ohio.

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

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

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-15316 Filed 7-6-04; 8:45 am]

**BILLING CODE 4510-30-P**

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-54,692]

##### **The Bank of New York, New York, NY; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at the Bank of New York, New York, New

York. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-54,692; the Bank of New York, New York, New York (June 30, 2004).

Signed in Washington, DC this 30th day of June 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 04-15311 Filed 7-6-04; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,954]

#### Ciprico, Inc., Plymouth, MN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 21, 2004 in response to a petition filed by a state agency representative on behalf of workers at Ciprico, Inc., Plymouth, Minnesota.

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 in Washington, DC, this 18th day of June, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-15318 Filed 7-6-04; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

**AGENCY:** Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II,

chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 19, 2004.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 19, 2004.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

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

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

## APPENDIX

[Petitions Instituted Between 06/21/2004 and 06/25/2004]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
55,108	Cosom Sporting Goods (NJ)	Thorofare, NJ	06/21/2004	06/21/2004
55,109	Ericson Manufacturing Co. (Comp)	Willoughby, OH	06/21/2004	06/17/2004
55,110	Model Die Casting, Inc. (Comp)	Carson City, NV	06/21/2004	06/18/2004
55,111	Cemco, Inc. (Comp)	Whitesburg, TN	06/21/2004	06/18/2004
55,112	SCP Global Technologies (Comp)	Boise, ID	06/21/2004	06/18/2004
55,113	Veltri Metal Products (USWA)	New Baltimore, MI	06/21/2004	06/07/2004
55,114	M.A. Moslow and Brothers, Inc. (IAMAW)	Buffalo, NY	06/21/2004	06/04/2004
55,115	Weyerhaeuser Co. (GCU)	Portland, OR	06/21/2004	06/20/2004
55,116	Southern NJ Steel (NJ)	Vineland, NJ	06/21/2004	06/21/2004
55,117	Baush and Lomb (SIWU)	Manchester, MO	06/21/2004	06/15/2004
55,118	Frick Gallagher Mfg. (Comp)	Wellston, OH	06/22/2004	06/18/2004
55,119	Allegheny Cast Metals Inc. (Comp)	Titusville, PA	06/23/2004	06/11/2004
55,120	Agfa Corporation (Comp)	Wilmington, MA	06/23/2004	06/11/2004
55,121	Shell Information Tech., Int'l (Wkrs)	Houston, TX	06/23/2004	06/11/2004
55,122	Fasco (Wkrs)	St. Clair, MO	06/23/2004	06/21/2004
55,123	Tyco Healthcare Retail Group (Comp)	Waco, TX	06/23/2004	06/09/2004
55,124	General Elec. Capital Auto Financial (Wkrs)	Depew, NY	06/23/2004	06/09/2004
55,125	Volt (Wkrs)	Redmon, WA	06/23/2004	06/17/2004
55,126	Walt Disney Television Int'l Latin Amer. (NPW)	Coral Gables, FL	06/23/2004	06/16/2004
55,127	Frybrant, Inc. (Comp)	Frederick, OK	06/23/2004	06/14/2004
55,128	Hoover Co. (The) (Comp)	El Paso, TX	06/23/2004	06/07/2004
55,129	Fashion Elite, Inc. (Wkrs)	San Francisco, CA	06/23/2004	06/16/2004
55,130	Lee Middleton Original (Comp)	Belpre, OH	06/23/2004	06/22/2004
55,131	Vaughan Furniture Co. (Comp)	Stuart, VA	06/23/2004	06/18/2004
55,132	Grede Foundries, Inc. (Wkrs)	Kingsfold, MI	06/23/2004	06/10/2004
55,133	HE Microwave Corp.(IAMAW)	Tucson, AZ	06/23/2004	06/17/2004
55,134	Sara Lee Underwear (Comp)	Asheboro, NC	06/23/2004	06/22/2004
55,135	Envirovac (Wkrs)	Savannah, GA	06/23/2004	05/28/2004
55,136	ITW Auto-Sleeve (Wkrs)	Twinsburg, OH	06/23/2004	06/11/2004
55,137	Ames Screw Mach. Prod., Inc. (Comp)	Addison, IL	06/23/2004	06/23/2004