

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-54,841]

**Elastex, Inc.; a Division of the Elastic
Corporation of America, Asheboro,
NC; 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 of Eligibility To Apply for Worker Adjustment Assistance on June 9, 2004, applicable to the workers of Elastex, Inc., a division of the Elastic Corporation of America, Asheboro, North Carolina. The notice will soon be published in the **Federal Register**.

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 knitted narrow elastic bands and gauge.

Information shows that the petitioner, a company official, requested Alternative Trade Adjustment Assistance (ATAA) on behalf of the workers of the subject firm but that request was not addressed in the decision document.

Information obtained from the company indicates that a significant number of workers of the subject firm are age 50 or over, workers have skills that are not easily transferable, and conditions within the industry are adverse. Review of this information shows that all eligibility criteria under section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended have been met.

Accordingly, the Department is amending the certification to reflect its finding.

The amended notice applicable to TA-W-54,841 is hereby issued as follows:

"All workers of Elastex, Inc., a division of the Elastic Corporation of America, Asheboro, North Carolina who became totally or partially separated from employment on or after June 3, 2003 through June 9, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974 and are also eligible to apply for Alternative Trade Adjustment Assistance under section 246 of the Trade Act of 1974."

Signed at Washington, DC, this 16th day of June 2004.

Richard Church,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 04-14785 Filed 6-29-04; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-54,310]

**Internet Havana Foundry, a Division of
Internet; Havana, IL; Notice of
Negative Determination Regarding
Application for Reconsideration**

By application of April 27, 2004, a petitioner 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 March 26, 2004, and published in the **Federal Register** on May 24, 2004 (69 FR 29575).

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 Internet Havana Foundry, a division of Internet, Havana, Illinois engaged in the production of ductile iron castings was denied because the "contributed importantly" group eligibility requirement of section 222 of the Trade Act of 1974 was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a survey of the subject firm's major customers regarding their purchases of ductile iron castings during 2002, 2003 and January 2004. The respondents reported no increased imports. The subject firm did not increase its reliance on imports of ductile iron castings during the relevant period, nor did it shift production to a foreign source.

The petitioner alleges that the layoffs at the subject firm are attributable to a shift in production to Mexico. To

support this allegation, a petitioner attached copies of Internet employees' correspondence regarding transfers of assets from Havana facility to Mexico.

A review of the initial investigation and a further contact with a company official confirmed that Internet Havana Foundry, a division of Internet, Havana, Illinois did plan a shift of production from Havana, Illinois to Mexico. The company official stated that Internet began planning to construct a facility in Mexico in 2003 and planned to move assets to that newly constructed facility. However, the subject firm decided to put plans for a new facility in Mexico on hold for an indefinite period of time. Therefore, as of today, no production has been shifted to Mexico and the work performed at the Havana facility is being shifted to other Internet facilities in the United States.

Should the shift to Mexico occur, the petitioners are encouraged to file a new petition on behalf of workers at the Internet Havana Foundry, a division of Internet, Havana, Illinois, thereby creating a relevant period of investigation that would include changing conditions.

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 in Washington, DC, this 15th day of June 2004.

Elliott S. Kushner,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 04-14789 Filed 6-29-04; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-54,862]

**Irwin Industrial Tool Company,
Division of Newell Rubbermaid, Plant
#3, Including Leased Workers of
Aerotek, Inc., Wilmington, OH;
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 of Eligibility to Apply for Worker Adjustment Assistance and

Alternative Trade Adjustment Assistance on June 9, 2004, applicable to workers of Irwin Industrial Tool Company, a division of Newell Rubbermaid, including leased workers of Aerotek, Inc., Wilmington, Ohio. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The information provided by the State agency shows that the Department failed to include the plant number in the certification. Accordingly, the Department is amending the certification to specifically identify the workers as those in Plant #3 of the subject firm.

The amended notice applicable to TA-W-54,862 is hereby issued as follows:

"All workers of Irwin Industrial Tool Company, Plant #3, a division of Newell Rubbermaid, including leased workers of Aerotek, Inc., Wilmington, Ohio, who became totally or partially separated from employment on or after May 5, 2003, through June 9, 2006, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974."

Signed at Washington, DC this 22nd day of June 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-14784 Filed 6-29-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-54,361]

Kimberly Clark Corporation; Kimtech Plant; Neenah, WI; Notice of Negative Determination on Reconsideration

On May 25, 2004, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on June 8, 2004 (69 FR 32047).

The petition for the workers of Kimberly Clark Corporation, Kimtech Plant, Neenah, Wisconsin engaged in the production of paper industry machinery and equipment was denied because the "contributed importantly" group eligibility requirement of section 222 of the Trade Act of 1974, as amended, was not met. The subject firm

did not increase its reliance on imports of paper industry machinery and equipment during the relevant period, nor did it shift production to a foreign source.

In the request for reconsideration, the petitioner alleges that the layoffs at the subject firm are attributable to a shift in production to Mexico.

A company official was contacted regarding the above allegations. The company official stated that layoffs at the Kimtech Plant were attributed to a reduction in capital expenditures by Kimberly-Clark. The official also stated that no production has been shifted from the subject firm to Mexico and currently, there are no such plans.

Should the shift to Mexico occur, the petitioners are encouraged to file a new petition on behalf of workers at the Kimberly Clark Corporation, Kimtech Plant, Neenah, Wisconsin, thereby creating a relevant period of investigation that would include changing conditions.

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

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-14788 Filed 6-29-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,285]

Mastercraft Fabrics, LLC; Joan Fabrics Corporation; Oakland Plant; Including Leased Workers of Coxé Personnel Services and Personnel Services Unlimited; Spindale, NC; 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 November 10, 2003, applicable to workers of Mastercraft fabrics, LLC, Oakland Plant, including leased workers of Coxé Personnel Services and

Personnel Services Unlimited, Spindale, North Carolina. The notice was published in the **Federal Register** on December 29, 2003 (68 FR 74978).

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 jacquard furniture fabric.

New information shows that Joan Fabrics Corporation is the parent firm of Mastercraft Fabrics, LLC, Oakland Plant. Workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax accounts for Joan Fabrics 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 Mastercraft Fabrics, LLC, Joan Fabrics, Corporation, Oakland Plant, including leased workers of Coxé Personnel Services and Personnel Services Unlimited, Spindale, North Carolina who were adversely affected by increased imports of jacquard furniture fabrics.

The amended notice applicable to TA-W-53,285 is hereby issued as follows:

All workers of Mastercraft Fabrics, LLC, Joan Fabrics Corporation, Oakland Plant, including leased workers of Coxé Personnel Services and Personnel Services Unlimited producing jacquard furniture fabrics at Mastercraft Fabrics, LLC, Joan Fabrics Corporation, Oakland Plant, Spindale, North Carolina, who became totally or partially separated from employment on or after September 20, 2002, through November 10, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 16th day of June 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-14790 Filed 6-29-04; 8:45 am]

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