

(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]

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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

Department's Negative Determination Regarding Eligibility to Apply for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance, applicable to the workers of the subject firms.

The initial investigation resulted in a negative determination issued on November 19, 2003, was based on the finding that the workers did not produce a product under the meaning of section 222 of the Act. The denial notice was published in the **Federal Register** on December 29, 2003 (68 FR 74978).

To support the request for reconsideration, the company supplied additional information to supplement that which was gathered during the initial investigation. The company indicated that Encee, Inc. is a wholly owned subsidiary division of Pillowtex Corporation. The petitioner further stated that functions of workers of Encee, Inc., Eden, North Carolina (TA-W-53,419), Kannapolis, North Carolina (TA-W-53,419A) and Smithfield, North Carolina (TA-W-53,419B) were dedicated to support activities at an existing trade-certified facility of Pillowtex Corporation.

An analysis of the information supplied by the company on their request for reconsideration revealed that the worker separations at the subject facilities were caused by a reduced demand for their services from a parent firm, whose workers produce an article and who are currently under certification for Trade Adjustment Assistance (TA-W-52,559). The investigation further revealed that employment at the subject facilities declined absolutely during the relevant period.

A review of the submitted documents revealed that at least five percent of the workforce at the subject facilities is at least fifty years of age and that the workers possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that increased imports of articles like or directly competitive with those produced at an affiliated TAA certified firm contributed importantly to the declines in 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 Encee, Inc., Eden, North Carolina (TA-W-53,419), Encee, Inc. Kannapolis, North Carolina (TA-W-53,419A) and Encee, Inc., Smithfield, North Carolina (TA-W-53,419B), who became totally or

partially separated from employment on or after October 24, 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, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 26th day of January 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-3318 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,882]

International Mill Service, Midland, Pennsylvania; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 24, 2003, in response to a worker petition which was filed by the United Steelworkers of America Local 1212 on behalf of workers at International Mill Service, Midland, Pennsylvania.

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

Signed in Washington, DC, this 20th day of January, 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-3325 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,891]

Kokusai Semiconductor Equipment Corporation, Portland Region Office, Portland, OR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 29, 2003 in response to a petition filed by a company official on behalf of workers of Kokusai Semiconductor Equipment Corporation, Portland Region Office, Portland, Oregon.

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 29th day of January, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-3324 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-54,107]

Manpower, Inc., Roswell, NM; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 29, 2004 in response to a worker petition filed by one worker on behalf of workers of Manpower Inc., Roswell, New Mexico.

To be valid, petitions must be filed by three workers, their duly authorized representative, or a state agency. The petition regarding the investigation has therefore been deemed invalid. Consequently, the investigation has been terminated.

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-3313 Filed 2-13-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,872]

Metso Minerals Industries, Inc., Colorado Springs, CO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, investigation was initiated on December 23, 2003 in response to a petition filed by a company official at Metso Minerals Industries, Inc., Colorado Springs, Colorado.

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