

[FR Doc. E5-2804 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,900]

#### Ken-Weld Co., Inc., Worcester, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 7, 2005 in response to a petition filed by a company official on behalf of workers at Ken-Weld Co., Inc., Worcester, Massachusetts.

The petitioner has requested that the petition be withdrawn.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

Signed at Washington, DC, this 17th day of May, 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-2800 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,084]

#### Kichler Lighting, Cleveland, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 2, 2005 in response to a petition filed by a state workforce representative on behalf of workers at Kichler Lighting, Cleveland, Ohio.

The petitioner has requested that the petition be withdrawn.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

Signed at Washington, DC this 17th day of May, 2005

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-2805 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,605]

#### Pennsylvania Veneer Corporation, Clearfield, PA; Negative Determination Regarding Application for Reconsideration

By application of April 21, 2005 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) and Alternative Trade Adjustment Assistance (ATAA). The denial notice was signed on March 23, 2005 and published in the **Federal Register** on May 2, 2005 (70 FR 22710).

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 Pennsylvania Veneer Corporation, Clearfield, Pennsylvania engaged in production of hardwood veneer was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974 was not met, nor was there a shift in production from that firm to a foreign country. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining customers. The survey was not conducted in the initial investigation, as the preponderance of evidence indicated no declining customers during the relevant time period. The subject firm did not import hardwood veneer in the relevant period nor did it shift production to a foreign country.

In the request for reconsideration, the petitioner alleges that the subject firm lost its business due to the "indirect impact resulting from an inadequate supply of raw materials." In particular, that the increased exportation of raw materials to offshore facilities affected the supply of raw materials to domestic businesses. The petitioner further alleges that as a result of the above

conditions, workers of the subject firm have been negatively impacted by the foreign competition and should be eligible for TAA.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. Exportation of raw materials is irrelevant when determining the import impact on domestic firms. The investigation revealed that the subject firm experienced an increase in sales prior to the shutdown. Consequently, the subject firm did not have customers who decreased their purchases of hardwood veneer from the subject firm and increased imports of hardwood veneer. The investigation also revealed that worker separations were not attributed to increases in imports or a shift in production to a foreign country.

### 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 May, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-2799 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,993]

#### Springs Industries, Inc. Grace Complex, Including On-Site Leased Workers Of Phillips Staffing; Lancaster, SC; 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), and Section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on May 2, 2005, applicable to workers of Springs Industries, Inc., Grace Complex, including on-site leased workers of Phillips Staffing, Lancaster, South

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 produce finished bedding fabrics, sheets and pillowcases.

The review shows that all workers of Springs Industries, Inc., Grace Fabrication Plant, Lancaster, South Carolina, were certified eligible to apply for adjustment assistance and alternative trade adjustment assistance under petition number TA-W-52,788, which does not expire until October 7, 2005.

In order to avoid an overlap in worker group coverage, the Department is amending the certification for workers of the Grace Complex to clarify that any workers separated from the Grace Fabrication plant through October 7, 2005 are covered by TA-W-52,788. Thereafter (October 8, 2005 through May 2, 2007), any worker separated from the Fabrication Plant will be covered by the certification for workers of Springs Industries, Inc., Grace Complex, Lancaster, South Carolina, TA-W-56,993.

The amended notice applicable to TA-W-56,993 is hereby issued as follows:

"All workers of Springs Industries Inc., Grace Complex, Lancaster, South Carolina, including on-site leased workers of Phillips Staffing, who became totally or partially separated from employment on or after April 16, 2004 through May 2, 2007 (excluding for the period of May 2, 2005 through October 7, 2005, workers of Springs Industries Inc., Grace Fabrication Plant, Lancaster, South Carolina), 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 20th day of May 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,943]

#### Sun Look Garment, Inc.; San Francisco, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an

investigation was initiated on April 11, 2005 in response to a worker petition filed on behalf of workers at Sun Look Garment, Inc., San Francisco, California.

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

Signed at Washington, DC this 19th day of May 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-2802 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,952]

#### VF Intimates, LP, Johnstown, PA; Notice of Determination of Alternative Trade Adjustment Assistance on Remand

The U.S. Court of International Trade (USCIT) granted the Department of Labor's motion for a voluntary remand for further investigation in *Former Employees of VF Intimates, Inc. v. Elaine Chao, U.S. Secretary of Labor*, No. 05-00052, on April 4, 2005.

Workers of VF Intimates, LP, Johnstown, Pennsylvania were certified as eligible to apply for Trade Adjustment Assistance (TAA) on June 15, 2004. The Notice of determination was published in the **Federal Register** on April 1, 2005 (70 FR 16847). An Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance for workers of the subject company was issued on July 21, 2004 and published in the **Federal Register** on August 4, 2004 (69 FR 47184).

By letter dated September 29, 2004, a company official requested that the Department consider certification for Alternative Trade Adjustment Assistance (ATAA) for workers and former workers covered by petition TA-W-54,952. The request was dismissed because the application for ATAA was not filed with the TAA petition, as required by the Secretary's interpretation of Section 246 of the Trade Act, Training and Employment Guidance Letter No. 2-03 (August 6, 2003). 69 FR 60904, October 13, 2004.

By letter dated January 17, 2005, the company official appealed to the USCIT, asserting that the Department failed to meet certain administrative obligations

by not conducting an ATAA investigation solely because the request for ATAA was not marked. Specifically, the company official alleges that the Department processed an incomplete petition, erroneously assumed that ATAA was not requested when the question was unmarked, and failed to provide petitioners with assistance and adequate opportunity to request ATAA because the requirements for applying are ambiguous.

Upon further consideration, the Department has determined that it is appropriate to investigate the workers' eligibility for ATAA benefits, given the circumstances as presented, in order to effectuate the purposes of the Trade Act of 1974, as amended.

The group eligibility certification criteria for the ATAA program under Section 246 the Trade Act of 1974, as amended, established that the Department must determine whether a significant number of workers in the workers' firm are 50 years of age or older, whether the workers in the workers' firm possess skills that are not easily transferable, and whether the competitive conditions within the workers' industry are adverse.

The remand investigation revealed that at least five percent of the workforce at the subject firm was at least fifty years of age as of the date of the petition (May 18, 2004), the workers possess skills that are not easily transferable, and competitive conditions within the industry are adverse.

### Conclusion

After careful review of the facts, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers at VF Intimates, LP, Johnstown, Pennsylvania, who became totally or partially separated from employment on or after May 18, 2003 through June 15, 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 19th day of May, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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