

ACTION: Revised schedule for the subject review.

DATES: February 1, 2005.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202-205-3187 or fred.ruggles@usitc.gov), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: On January 4, 2005, the Commission established a schedule for the conduct of the subject expedited five-year review (70 FR 2428, January 13, 2005). Subsequently, on January 27, 2005, the Department of Commerce (Commerce) determined that its review is extraordinarily complicated and extended the time limit for its final results in the expedited five-year review from January 31, 2005, to not later than March 31, 2005 (70 FR 3904). The Commission, therefore, has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B)¹ and is revising its schedule to reflect Commerce's extension of the time limit for the final results of its expedited sunset review.

As provided for in the Commission's original scheduling notice (70 FR 2428, January 13, 2005), final party comments concerning Commerce's final results of its expedited sunset review are due three business days after the issuance of Commerce's results.

For further information concerning this expedited review see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

¹ As a transition order five-year review, the subject review is extraordinarily complicated pursuant to section 751(c)(5)(C) of the Tariff Act of 1930.

By order of the Commission.

Issued: February 2, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-2321 Filed 2-7-05; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,281]

BASF Corp., Morganton Liquid Plant, Morganton, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 3, 2005, in response to a petition filed by a company official on behalf of workers at BASF Crop., Morganton Liquid Plant, Morganton, North Carolina.

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

Signed in Washington, DC this 6th day of January, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-491 Filed 2-7-05; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,064]

Boston Scientific, Murrieta, CA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 22, 2004, in response to a petition filed by a company official on behalf of workers at Boston Scientific, Murrieta, California.

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

Signed in Washington, DC, this 10th day of January, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-493 Filed 2-7-05; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,222]

Dana Undies, Colquitt, GA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 16, 2004, in response to a petition filed by the State of Georgia Department of Labor on behalf of workers at Dana Undies, Colquitt, Georgia.

The Department issued a negative determination (TA-W-55,395) applicable to the petitioning group of workers on September 14, 2004. No new information or change in circumstances is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 4th day of January, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-492 Filed 2-7-05; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-54,871 and TA-W-54,871A]

DeVLIEG Bullard II, Inc., Tooling Systems Division Frankenmuth, MI; Including an Employee of DeVlieg Bullard II, Inc., Tooling System Division, Frankenmuth, MI Located in Houston, TX; 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 21, 2004, applicable to workers of DeVlieg Bullard II, Inc., Tooling Systems Division, Frankenmuth, Michigan. The notice was published in the **Federal Register** on August 3, 2004 (69 FR 46575).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that a worker

separation occurred involving an employee of the Frankenmuth, Michigan facility of DeVlieg Bullard II, Inc., Tooling Systems Division located in Houston, Texas. Mr. Frank Swanson provided support services for production of metal tooling produced at the Frankenmuth, Michigan location of the subject firm.

Based on this finding, the Department is amending this certification to include an employee of the Frankenmuth, Michigan facility of DeVlieg Bullard II, Inc., Tooling Systems Division location in Houston, Texas. Since workers of the Frankenmuth, Michigan location of the firm were certified eligible to apply for alternative trade adjustment assistance, the Department is extending this eligibility to Mr. Frank Swanson in Houston, Texas.

The intent of the Department's certification is to include all workers of DeVlieg Bullard II, Inc., Tooling Systems Division, Frankenmuth, Michigan, who were adversely affected by increased imports.

The amended notice applicable to TA-W-54,871 is hereby issued as follows:

All workers of DeVlieg Bullard II, Inc., Tooling Systems Division, Frankenmuth, Michigan (TA-W-54,871), including an employee of DeVlieg Bullard II, Inc., Tooling Systems Division, Frankenmuth, Michigan, location in Houston, Texas (TA-W-54,871A), who became totally or partially separated from employment on or after May 5, 2003, through June 21, 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 in Washington, DC this 31st day of January 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-488 Filed 2-7-05; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment And Training Administration

[TA-W-50,486]

Electronic Data Systems Corporation, I Solutions Center, Fairborn, OH; Notice of Negative Determination on Remand

The United States Court of International Trade (USCIT) remanded to the Secretary of Labor for further investigation of the negative determination in *Former Employees of Electronic Data Systems Corporation v.*

U.S. Secretary of Labor (Court No. 03-00373).

On January 15, 2003, the Department of Labor (Department) issued a negative determination regarding the eligibility of workers at Electronic Data Systems (EDS) Corporation, I Solutions Center, Fairborn, Ohio to apply for Trade Adjustment Assistance (TAA). The determination was based on the Department's finding that the workers at the subject facility performed information technology services, and did not produce or support the production of an article. Therefore, the workers did not satisfy the eligibility criteria of section 222 of the Trade Act of 1974. 19 U.S.C. 2272. On February 6, 2003, the Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for Electronic Data Systems Corporation, I Solutions Center, Fairborn, Ohio was published in the **Federal Register** (68 FR 6211).

In a letter dated March 4, 2003, the petitioner requested administrative reconsideration of the Department's negative determination, and included additional information indicating that all usage and copyrights of the computer programs, job control language, documentation, etc. produced at the Fairborn facility were transferred to the client upon sale. The Department determined that the information submitted did not constitute an adequate basis for reconsideration and affirmed its finding that the workers of Electronic Data Systems Corporation, I Solutions Center, Fairborn, Ohio were not eligible to apply for TAA, because they did not produce an article within the meaning of section 222 of the Trade Act. Accordingly, the Department issued a Notice of Negative Determination Regarding Application for Reconsideration on April 15, 2003. The notice was published in the **Federal Register** on April 24, 2003 (68 FR 20180). On June 9, 2003, the petitioner filed a Summons and Complaint, regarding the Department's Negative Determination Regarding Application for Reconsideration with the Court of International Trade (USCIT).

On May 28, 2004, the petitioner filed a Motion for Judgment on the Agency Record in the USCIT. The supporting memorandum for the Motion stated that the Department's findings "are not supported by substantial evidence or in accordance with the law," and that the Department "failed to sufficiently reconsider its denial of the Plaintiff's petition to apply for TAA, including determining whether certain products alleged by Plaintiffs to constitute 'articles' were subject to duty under the

Harmonized Tariff Schedule of the United States (HTSUS)."

The USCIT remanded the case to the Department on December 1, 2004, and ordered the Department to proceed as follows:

On remand, Labor shall conduct a thorough investigation into plaintiffs' claims. In particular, Labor shall (1) determine whether computer programs were embodied in any medium when transferred to customers, (2) explain the significance of custom-designed software as opposed to mass produced computer programs, (3) identify what type of documentation was produced by EDS (brochures, manuals, etc.), (4) determine what was the production volume of such documentation and whether it was considered part of the product purchased by EDS's customers, and (5) with respect to each finding made in its determination, state with specificity the facts relied upon in reaching such finding, including specific references to documents in the record.

Remand Order at 18.

Accordingly, the Department conducted a remand investigation in order to determine whether the subject worker group met the criteria set forth in the Trade Act of 1974 for TAA certification as primarily-affected workers, with particular attention to the inquiries required by the remand order. Section 222(a) of the Trade Act (19 U.S.C. 2272(a)) provides:

A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

(1) a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2)(A)(i) the sales or production, or both, of such firm or subdivision have decreased absolutely;

(ii) imports of articles like or directly competitive with articles produced by such firm or subdivision have increased; and

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

(B)(i) there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

(ii)(I) the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

(II) the country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and