

York. The notice was published in the **Federal Register** on March 10, 2003 (68 FR 11410).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of boilers and boiler parts.

New findings show that a worker was separated at the Foster Wheeler Power Group, Inc., Stuart, Florida. This employee provided support function services for the production of boilers and boiler parts produced at the Dansville, New York location of the subject firm.

Accordingly, the Department is amending the certification to include an employee of Foster Wheeler Power Group, Inc., a subsidiary of Foster Wheeler Corporation, now known as Foster Wheeler North America, Inc., Stuart, Florida. The intent of the Department's certification is to include all workers of Foster Wheeler Energy Corporation, a subsidiary of Foster Wheeler Corporation, now known as Foster Wheeler North America, Inc., who were adversely affected by a shift in production to China.

The amended notice applicable to TA-W-50,435 is hereby issued as follows:

All workers of Foster Wheeler Energy Corporation a subsidiary of Foster Wheeler Corporation, now known as Foster Wheeler North America, Inc., Dansville, New York (TA-W-50,435) and Foster Wheeler Power Group, Inc., a subsidiary of Foster Wheeler Corporation, now known as Foster Wheeler North America, Inc., Stuart, Florida (TA-W-50,435A), who became totally or partially separated from employment on or after December 20, 2001, through February 21, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 19th day of April, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-966 Filed 4-29-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-41,288 & NAFTA-06104]

**International Truck And Engine Corporation, a Subsidiary of Navistar International Corporation, Springfield, OH; Notice of Revised Determination on Remand**

The United States Court of International Trade (USCIT) granted the

Secretary of Labor's motion for a voluntary remand for further investigation in *International Union, United Auto Workers (UAW), Region 2B v. Elaine L. Chao, U.S. Secretary of Labor* (Court No. 03-00642).

The Department's denial of certification for TA-W-41,288 and NAFTA-06104 were issued on August 9, 2002, and published in the **Federal Register** on September 10, 2002 (67 FR 57454 and 67 FR 57455, respectively). Workers were engaged in activities related to the production of trucks and related components.

The denial of Trade Adjustment Assistance (TAA) was based on a finding that criterion (3) of the Group Eligibility Requirements of section 222 of the Trade Act of 1974, as amended, was not met. Information gathered in the investigation indicated that imports did not contribute importantly to worker separations at the subject firm. The denial of NAFTA-Transitional Adjustment Assistance (NAFTA-TAA) was based on the finding that criteria (3) and (4) were not met. Facts gathered during the investigation showed that imports from Canada or Mexico did not contribute importantly to workers separations and that there was no shift of production to Canada or Mexico.

The Department's denial of administrative reconsideration for TA-W-41,288 and NAFTA-06104 was issued on June 13, 2003, and published in the **Federal Register** on July 7, 2003 (68 FR 40296). The Department affirmed its conclusions that imports did not contribute importantly to worker separations at the subject firm and no production shift occurred within the relevant time period.

In the remand investigation, the Department contacted the company for additional and more comprehensive information. The company provided sales, production, import, and production shift figures which were meticulously compiled with detailed explanations of the various operations of the subject facility, the corporation, and its affiliates and also included an extensive list of its customers.

After careful review of the new and additional material provided in the expanded investigation, it has been determined that there was an ongoing shift in production to Mexico which began during the relevant period. Further, the investigation found that the ongoing shift in production resulted in increased shifts of production from the subject facility to an affiliated facility located in Mexico as well as increased company imports.

## Conclusion

After careful review of the additional facts obtained on remand, I determine that a shift of production to Mexico and increases in imports (including from Canada and/or Mexico) of articles like or directly competitive with those produced by the subject firm contributed importantly to the worker separations and sales or production declines at the subject facility. In accordance with the provisions of the Trade Act, I make the following certification:

All workers of International Truck and Engine Corporation, a Subsidiary of Navistar International Corporation, Springfield, Ohio, who became totally or partially separated from employment on or after April 8, 2001, through two years from the issuance of this revised determination, are eligible to apply for worker adjustment assistance under section 223 of the Trade Act of 1974 and All workers of International Truck and Engine Corporation, a Subsidiary of Navistar International Corporation, Springfield, Ohio, who became totally or partially separated from employment on or after April 8, 2001, through two years from the issuance of this revised determination, are eligible to apply for NAFTA-TAA under section 250 of the Trade Act of 1974.

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

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,995]

**Lake Region Manufacturing, Inc., Lake Region Medical, Inc., Pittsburgh, PA; Notice of Revised Determination on Reconsideration Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

By letter dated March 31, 2004, the company requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The certification was signed on March 2, 2004. The notice was published in the **Federal Register** on April 6, 2004 (69 FR 18111).

The initial investigation determined that the workers possessed skills that were easily transferable.

The company provided new information to show that the workers possess skills that are not easily transferable. The initial investigation

determined that at least five percent of the workforce at the subject firm is at least fifty years of age and that competitive conditions within the industry are adverse.

### Conclusion

After careful review of the additional facts obtained on reconsideration, 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 of at Lake Region Manufacturing, Inc., Lake Region Medical, Inc., Pittsburgh, Pennsylvania, who became totally or partially separated from employment on or after January 12, 2003 through March 2, 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 19th day of April, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,499]

#### **Marion County Shirt Company, Ark Management Consultants, Marshall, AR; 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 February 10, 2003, applicable to workers of Marion County Shirt Company, Marshall, Arkansas. The notice was published in the **Federal Register** on March 26, 2003 (68 FR 14708).

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 men's woven dress shirts.

New information shows that some workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax

account for Ark Management Consultants. 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 Marion County Shirt Company, Marshall, Arkansas, who were adversely affected by increased imports.

The amended notice applicable to TA-W-50,499 is hereby issued as follows:

All workers of Marion County Shirt Company, Ark Management Consultants, Marshall, Arkansas, who became totally or partially separated from employment on or after January 6, 2002, through February 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 April, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,798]

#### **Mohican Mills, Inc., Lincolnton, NC; Notice of Affirmative Determination Regarding Application for Reconsideration**

By letter of February 22, 2004, a petitioner requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The Department's determination notice was signed on February 2, 2004, and published in the **Federal Register** on March 12, 2004 (69 FR 11888).

The Department reviewed the request for reconsideration and has determined that the petitioner has provided additional information regarding the appropriate subject worker group. Therefore, the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

### Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of

Labor's prior decision. The application is, therefore, granted.

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

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-963 Filed 4-29-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,948]

#### **Seagate Technology, LLC, Research and Development Division, Oklahoma City, OK; Notice of Negative Determination Regarding Application for Reconsideration**

By application of February 18, 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 applicable to workers of Seagate Technology, LLC, Research and Development Division, Oklahoma City, Oklahoma was signed on February 3, 2004, and published in the **Federal Register** on March 12, 2004 (69 FR 11888).

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 misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Seagate Technology, LLC, Research and Development Division, Oklahoma City, Oklahoma engaged in activities related to design and planning work for products further developed or produced elsewhere. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner alleges that the workers at the subject facility performed replication of the equipment that is used to build the head disk assemblies (HDA) stations at a Singapore assembly plant and that this replication function was terminated and transferred to Singapore.