

## APPENDIX—Continued

[Petition's instituted between 10/20/2003 and 10/24/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
53,314	Acrotech Midwest Inc. (MN)	Crosby, MN	10/22/2003	10/21/2003
53,315	OBG Manufacturing Co. (Comp)	Liberty, KY	10/22/2003	10/22/2003
53,316	Robert Bosch Tool Corp. (Comp)	Elizabethtown, KY	10/22/2003	10/21/2003
53,317	Sofanou, Inc. of Kentucky (Wkrs)	Morgantown, KY	10/23/2003	10/21/2003
53,318	Moll Industries (Comp)	Austin, TX	10/23/2003	10/21/2003
53,319	Meadwestvaco (PA)	Pittsfield, MA	10/23/2003	10/15/2003
53,320	Standard Motor Products (Wkrs)	Argos, IN	10/23/2003	10/16/2003
53,321	Charter Fabrics, Inc. (Comp)	New York, NY	10/23/2003	09/29/2003
53,322	John Crane, Inc. (Comp)	Vandalia, IL	10/23/2003	10/22/2003
53,323	Franklin Electric (Wkrs)	Jonesboro, IN	10/23/2003	10/16/2003
53,324	New River Industries, Inc. (Comp)	Radford, VA	10/23/2003	10/15/2003
53,325	Security DBS (Comp)	Dallas, TX	10/23/2003	10/21/2003
53,326	Weyerhaeuser (AR)	W. Memphis, AR	10/23/2003	10/21/2003
53,327	Portland Pattern, Inc. (Comp)	Portland, OR	10/23/2003	10/22/2003
53,328	International Paper (Wkrs)	Kaukauna, WI	10/23/2003	10/20/2003
53,329	Advanced Forming Technology (CO)	Longmont, CO	10/23/2003	10/14/2003
53,330	Air Products and Chemical, Inc. (Wkrs)	Allentown, PA	10/23/2003	10/23/2003
53,331	Budd Group (The) (Comp)	Grover, NC	10/23/2003	10/23/2003
53,332	NXL Investments, Inc. (Comp)	Euclid, OH	10/23/2003	10/23/2003
53,333	Fishing Vessel (FV) WW Northland (Comp)	Haines, AK	10/24/2003	10/12/2003
53,334	Eugene Aluminum and Brass Foundry, Inc. (Comp)	Eugene, OR	10/24/2003	10/17/2003
53,335	Fairchild Semiconductor (Comp)	Mountaintop, PA	10/24/2003	10/20/2003
53,336	Henredon Furniture Ind. (Comp)	Spruce Pine, NC	10/24/2003	10/23/2003
53,337	De Machine Shop (Comp)	Berthoud, CO	10/24/2003	10/23/2003
53,338	Diversified Tool Corp. (Wkrs)	Cambridge Springs, PA	10/24/2003	10/17/2003
53,339	National Manufacturing Co. (Comp)	Sterling IL	10/24/2003	10/15/2003
53,340	Star Machine Shop (Wkrs)	Galax, VA	10/24/2003	10/17/2003
53,341	Underwood Industries of NY (Comp)	Waverly, NY	10/24/2003	10/15/2003
53,342	Halmode Apparel, Inc. (Wkrs)	Roanoke, VA	10/24/2003	09/30/2003
53,343	Arteva Specialities S.a.r.l. (Comp)	Shelby, NC	10/24/2003	10/23/2003
53,344	Royal Appliance Mfg., Co. (Comp)	Glenwillow, OH	10/24/2003	10/16/2003
53,345	Parkdale American, LLC (Comp)	Landis, NC	10/24/2003	10/09/2003
53,346	Parkdale Mills, Inc. (Comp)	Belmont, NC	10/24/2003	10/09/2003
53,347	Thomas Apparel Company (Wkrs)	Hartville, MO	10/24/2003	10/31/2003
53,348	Sampo Corporation of America (Wkrs)	Fremont, CA	10/24/2003	10/07/2003
53,349	Ethan Allen Mfg., Co. (Wkrs)	Beecher Falls, VT	10/24/2003	10/20/2003
53,350	Zytec America, Inc. (Comp)	Greensboro, NC	10/24/2003	10/15/2003

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-51,929]

**LeSportsac, Manufacturing and Distribution Division, Stearns, KY; Notice of Negative Determination Regarding Application for Reconsideration**

By application of August 1, 2003, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on July 11, 2003, and published in the **Federal Register** on July 22, 2003 (68 FR 43371).

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 petition for the workers of LeSportsac, Manufacturing and Distribution Division, Stearns, Kentucky was denied because criterion (2) was not met. Sales and production of luggage and women's handbags at the subject plant increased from February through May 2001 to the corresponding period of 2002 and also increased from February through May of 2002 to the same period in 2003.

In the request for reconsideration, the petitioner alleged that figures indicating sales and production increases at the subject facility incorporated volumes of imports from China. The petitioner questions how an employment decline could have occurred in conjunction with a sales/production increase.

A communication with a company official in regard to this allegation revealed that the sales and production figures provided to the Department in this investigation were for the Stearns facility exclusively. The official further stated that the company is in the midst of a reorganization of its domestic facilities and that employment declines were a result of streamlining production processes more efficiently and reapportioning employment to other domestic facilities.

**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 21st day of October, 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,251]

#### **Majestic Mold & Tool, Inc., Phoenix, NY; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 11, 2003 in response to a petition filed by a company official on behalf of workers of the Corey Farmer Set Net Operation, Eagle River, Alaska.

The investigation revealed that the subject firm did not separate or threaten to separate a significant number or proportion of workers as required by Section 222 of the Trade Act of 1974. Significant number or proportion of the workers means that at least three workers in a firm with a workforce of fewer than 50 workers would have to be affected. Separations by the subject firm did not meet this threshold level; consequently the investigation has been terminated.

Signed at Washington, DC this 20th day of October 2003.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,687]

#### **Metso Paper USA, Inc., Logistics Division, Beloit, WI; Notice of Negative Determination Regarding Application for Reconsideration**

By application of June 24, 2003, 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 30, 2003 and published in the **Federal Register** on June 19, 2003 (68 FR 36845). 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 Metso Paper USA, Inc., Beloit, Wisconsin was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974 was not met and production was not shifted abroad.

In the reconsideration investigation, it was revealed that the production worker group is embedded within the Logistics Division of the subject facility.

The petitioner alleges that "production has shifted to Finland for many of the spare parts supplied from Metso to U.S. papermills." Contact from another petitioner alleged that the company was serving former and present subject firm customers with foreign production, and implies that the company is attempting to hide the fact that they are engaged in foreign production from their customers.

A history of the subject facility site revealed that the subject facility was once owned by Beloit Paper, and was sold to the current owners following bankruptcy in 2000. The purchasing company included a facility in Finland. Prior to the relevant period of this investigation, the new owners dramatically downsized the production capacity of the subject facility due to dramatically decreased demand following the bankruptcy. Contact with company officials revealed that the subject facility only produced doctor blades and headbox vanes (parts used in paper making equipment) in the relevant period, and that the majority of work performed in the Logistics Division of the Metso Beloit facility involves buying, warehousing and shipping many other spare parts purchased by, but not produced at the subject facility. The officials stated that the company had not shifted production of doctor blades or headbox vanes away from the subject facility. One official did confirm that the company did outsource

many of the parts that were warehoused at the same site. However, items that are not like or directly competitive with production at the subject facility in the relevant period are not pertinent to this investigation.

The petitioner states that production of doctor blades shifted to Finland, and implies that this shifted production is being used to supply U.S. customers. Further contact with the petitioners yielded a request that we obtain a copy of a "BaaN" report from the company that would reveal the volume of doctor blades that had been sourced in Finland, and subsequently imported to the U.S.

Contact with a company official revealed that the subject facility supplied almost all of their North American business. He further stated that the Finnish facility did on rare occasions supply customers with doctor blades in cases where an unanticipated increased demand occurred. The official later clarified that they also imported Finnish doctor blades in cases where "odd ball" sizes were requested, but the doctor blades with these specifications had never been produced at the subject facility. Results of the company "BaaN" report revealed that imports represented a very small amount of total subject firm production.

The petitioner asserted that "castings" previously produced in "Beloit, Wisconsin or the "Stateline Area" surrounding Beloit" were shifted to Canada.

Castings were not produced at the subject facility in the relevant period and are therefore irrelevant to this investigation.

The petitioner alleges that coater rods and assemblies previously "machined" at the subject facility are currently being produced in finished form in Finland for U.S. customers.

In regard to this issue, a company official stated that coater rods produced in Finland are "cut to length" at the subject facility, but there has been no change in the production location in the relevant period.

The petitioner alleges that the company's customers have begun purchasing headbox vanes from competitors in Canada.

The reconsideration investigation revealed that plant production of headvane boxes declined slightly in the relevant period, while sales increased. It was revealed that the subject firm produces two different types of headvane boxes, one made of lexan (which needs to be replaced every six months or so), and the other made of graphite, which lasts for two to three years before requiring a replacement.