threatened to separate a significant number or proportion of workers at the subject facility during the relevant period (January–December 2004).

In the request for reconsideration, the petitioner alleged that the subject facility supported an affiliated production facility, Lawson-Hemphill, Inc., Central Falls, Rhode Island.

A careful review of previously-submitted documents revealed that a significant number of the workers at the South Carolina facility were separated or threatened with separation during the relevant period and that the primary function of the South Carolina facility is to sell textile testing instruments produced at the Rhode Island facility.

Even if the subject worker group supported production at the Rhode Island facility, they could not be certified for TAA under this petition because the Rhode Island facility was not affected by loss of business as a supplier, assembler, or finisher of products or components produced for the TAA-certified firms identified in the petition: Globe Manufacturing, Fall River, Massachusetts (TA–W–38,840); Cavalier Specialty Yarn, Gastonia, North Carolina (TA–W–53,226); Cone Mills Corporation, Cliffside, North Carolina (TA–W–53,291A); Pillowtex Corporation, Kannapolis, North Carolina (TA–W–39,416); Burlington Industries, Greensboro, North Carolina (TA–W–40,205); and Spartan Mills, Spartanburg, South Carolina (TA–W–37,126).

Lawson-Hemphill, Inc. cannot be considered a secondarily-affected company because textile testing instruments is not a component of textiles and the company neither assembles nor finishes an article produced by the above-identified companies.

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

Conclusion

After careful reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Lawson-Hemphill Sales, Inc., Spartanburg, South Carolina.

Signed at Washington, DC, this 30th day of June, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3738 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[[TA–W–56,782]

FC Meyer Packaging, LLC/Millen Industries, Inc.; Lawrence, MA; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 20, 2005, 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 May 6, 2005, and published in the **Federal Register** on May 25, 2005 (70 FR 30145).

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 FC Meyer Packaging, LLC/Millen Industries, Inc., Lawrence, Massachusetts engaged in production of shoe boxes was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, 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 customers. The survey revealed that imports of shoe boxes were minimal during the relevant period and imports did not contribute importantly to separations at the subject firm. The subject firm did not import shoe boxes nor did it shift production to a foreign country during the relevant period.

The petitioner alleges that the subject firm lost its business due to the customers shifting their production of shoes abroad and buying shoe boxes overseas.

The petitioner concludes that, because the production of shoes occurs abroad, the subject firm workers producing shoe boxes are import impacted.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. The Department conducted a survey of the subject firm's major declining customer regarding their purchases of shoe boxes. The survey revealed that the declining customers did not import shoe boxes during the relevant period.

The petitioner further cites a list of customers which shifted their production overseas and imported shoe boxes back to the United States.

Some of these customers were already surveyed by the Department during the original investigation. A review of the survey responses confirms import purchases of show boxes were minimal and did not contribute importantly to the layoffs at the subject plant during the relevant period.

A company official was contacted to verify the allegations regarding the customers which were not surveyed during the initial investigation. The official stated that all of these companies were customers of the subject firm in the years prior to 2001, which is outside of the relevant time period.

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 day 22nd of June, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3739 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,750]

Federated Merchandising Group, a Part of the Federated Department Stores, New York, NY; Notice of Negative Determination on Remand

By Order dated February 7, 2005, the United States Court of International Trade (USCIT) directed the Department of Labor (Department) to further investigate *Former Employees of Federated Merchandising Group, a Part of Federated Department Stores* v. *United States* (Court No. 03–00689).

The Department's denial of eligibility to apply for worker adjustment

assistance for the subject worker group was issued on June 10, 2003 and the Notice of determination was published in the **Federal Register** on June 19, 2003 (68 FR 36846). Workers produced paper patterns and sample garments at the subject facility. The investigation revealed that worker separations at the subject facility are not attributable to either increased in imports or a shift of production abroad of paper patterns and sample garments, but are attributable to a change in the company's production technology which resulted in substitution of the manual labor by computer design programs.

By application of July 2, 2003, the workers requested administrative reconsideration of the negative determination. In the request for reconsideration, the workers assert that the subject company could not have replaced the manual labor with a computer program (due to the complexity of decision making required in pattern making and the physical demands required to construct sample garments) and that the subject company must have outsourced production (possibly to a foreign source).

The Department contacted a company official and was informed that the computer program had reduced the need for manpower and that the work performed by the petitioners had not been outsourced, domestically or abroad.

The Notice of Negative Determination Regarding Application for Reconsideration was issued on August 19, 2003 and published in the **Federal Register** on September 30, 2003 (68 FR 56327). The workers' request was denied because there was no error or misunderstanding of the law or facts in the investigation.

By letter dated September 24, 2003, the petitioners appealed to the USCIT for judicial review. In the appeal, the petitioners alleged that a computer pattern making program cannot replace human pattern makers, but was merely a tool to be used by the subject workers, and stated that it is their belief that their jobs were being outsourced abroad since the subject firm has not reduced the number of styles produced.

On February 7, 2005, the USCIT directed the Department to investigate into the petitioner's allegation that the new computer program cannot replace the human pattern makers, to determine the reason(s) for the subject firm's reduced need for garment samples and patterns in the period prior to the subject workers' separations, and to determine the subject workers' eligibility to apply for trade adjustment assistance as provided by the Trade Act of 1974.

In response to the petitioners' claim that the new computer program could not have replaced the manual pattern makers, the Department contacted a company official for clarification about the pattern making process. The company official described the process and explained how the need for manual pattern making was reduced by new pattern making technology. The company official also clarified that the sample makers made samples from manually created patterns and not the computer-generated patterns.

Prior to the new technology, technical pattern design teams created new patterns with the pattern makers drawing each new pattern by hand based on the designers' advice. The new pattern making technology enabled the technical designers to access a library of electronically-stored patterns and utilize those patterns in creating new patterns, thereby reducing the need for hand-drawn patterns. As the technology became more efficient, the need for manual pattern makers decreased.

Prior to the workers' separations in January 2003, the subject company had conducted a productivity analysis and concluded that there was not enough work to justify the then-current staffing levels of manual pattern makers and sample makers. There was a reduced need for the manual pattern makers due to increased productivity in other areas of production and decreased need for new patterns as existing patterns stored in the computer could be recalled and utilized. The company determined that one manual pattern maker could manage the workload of four manual pattern makers, and reduced the staff accordingly. Since the manual sample makers created samples from the patterns drawn by the manual pattern makers, the need for manual sample makers decreased as the number of hand-drawn patterns decreased. Thus, the level of manual staffing was reduced to match the level of manual pattern makers.

While sample imports increased after the implementation of new technology in March 2003, the company's submissions clearly show that the separations were not due to the subject company shifting production abroad or increasing imports of patterns or samples during the relevant period, but due to the subject company's institution of production improvement measures which resulted in the reduced need for manual labor in general. As such, the Department has determined that the workers have not met the criteria set forth in Section 222 of the Trade Act of 1974, as amended, and are not eligible to apply for worker adjustment assistance.

Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Federated Merchandising Group, a Part of Federated Department Stores, New York, New York.

Signed at Washington, DC, this 6th day of July, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3735 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,232]

Ingram Micro, Santa Ana, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 23, 2005 in response to a worker petition filed by a company official on behalf of workers at Ingram Micro, Santa Ana, California.

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

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–3744 Filed 7–13–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,121]

J.E. Morgan Knitting Mills (Sara Lee) Tamaqua, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 5, 2005 in response to a petition filed by a company official on behalf of workers at J.E. Morgan Knitting Mills (Sara Lee), Tamaqua, Pennsylvania.