

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-54,658]

**Whiting Manufacturing Company, Inc.,
Hazel Green, KY; Notice of Revised
Determination on Reconsideration
Regarding Eligibility To Apply for
Alternative Trade Adjustment
Assistance**

By letter dated May 17, 2004, a company official requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The certification of Trade Adjustment Assistance eligibility was signed on April 23, 2004. The Department's notice was published in the **Federal Register** on June 2, 2004 (69 FR 31137).

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

A careful review of new and existing information revealed that a significant number of workers in the subject company are age fifty or older and that the workers possess skills that are not easily transferable. 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 Whiting Manufacturing Company, Inc., Hazel Green, Kentucky, who became totally or partially separated from employment on or after April 1, 2003, through April 23, 2006, are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC this 7th day of June 2004.

Elliott S. Kushner,*Certifying Officer, Division of Trade
Adjustment Assistance.*

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DEPARTMENT OF LABOR**Employment and Training
Administration****Proposed Information Collection
Request Submitted for Public
Comment and Recommendations;
Application for Alien Employment
Certification****ACTION:** Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95), 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed extension to the collection of information on the Application for Alien Employment Certification. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this Notice.

DATES: Submit comments on or before August 30, 2004.

ADDRESSES: Comments and questions regarding the collection of information on Form ETA 750, Parts A and B, Application for Alien Employment Certification, should be directed to William L. Carlson, Chief, Division of Foreign Labor Certification, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210. Mr. Carlson may be reached at (202) 693-3010; this is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: Melanie Shay, Team Leader, Permanent Labor Certification Program, Division of Foreign Labor Certification, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210. Ms. Shay may also be reached at (202) 693-3010.

SUPPLEMENTARY INFORMATION:**I. Background**

Under Section 212(a)(5)(A) of the Immigration and Nationality Act

(INA)(8 U.S.C. 1182(a)(5)(A)), certain aliens may not obtain a visa for entrance into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified to the Secretary of State and to the Attorney General that: (1) There are not sufficient U.S. workers who are able, willing, qualified and available at the time of application for a visa and admission into the United States and at the place where the alien is to perform the work; and (2) The employment of the alien will not adversely affect the wages and working conditions of U.S. workers similarly employed. Form ETA 750, Parts A and B, is the application form submitted by employers that forms the basis for a determination as to whether the Secretary shall provide such a certification. Form ETA 750, Part A, is also utilized to collect information that permits the Department to meet Federal responsibilities for administering two nonimmigrant programs: the H-2A and H-2B temporary labor certification programs. The H-2A temporary agricultural program establishes a means for agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant aliens to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. The H-2B program establishes a means for employers to bring nonimmigrant aliens to the U.S. to perform nonagricultural work of a temporary or seasonal nature.

II. Desired Focus of Comments

Currently, the Department is soliciting comments concerning the proposed extension to the collection of information on the Application for Alien Employment Certification.

The Department is particularly interested in comments which:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collections techniques or other forms of information, *e.g.*, permitting electronic submissions of responses.