

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-53,993]

Newell Rubbermaid, Inc. Wooster, OH; Notice of Negative Determination on Reconsideration

On April 2, 2004, the United Steelworkers of America, Local 302L, requested administrative reconsideration of the Department's negative determination regarding the workers of Newell Rubbermaid, Inc., Wooster, Ohio. On May 3, 2004, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 13, 2004 (69 FR 26621). The workers at the subject firm produce plastic household goods and home organization products (totes, refuse and clear containers) and are not separately identifiable by product line.

The Department denied the initial petition because the "contributed importantly" and shift of production group eligibility requirements of Section 222(3) of the Trade Act of 1974, as amended, were not met. The initial investigation revealed that increased imports of plastic household goods and home organization products during the relevant time period did not contribute importantly to worker separations and that the subject company did not shift production abroad.

In the request for reconsideration, the union asserted that the customer survey conducted in the initial investigation identified the wrong products to be surveyed. The initial customer survey covered plastic household goods, including totes, refuse and clear containers. The union states that the subject facility "primarily produces totes and clear storage containers * * * along with refuse containers."

On reconsideration, the Department contacted the company for clarification concerning the types of goods produced at the subject facility and whether the product lines were separately identifiable. A company official explained that they do not separate workers by lines (such as totes and refuse and clear containers) since the machines could run almost any product line produced by the plant workers and thus the subject workers are not separately identifiable by product line. Therefore, the survey conducted by the U.S. Department of Labor aggregated all products produced by the Wooster, Ohio plant as "Rubber Maid Home

Products (plastic household goods)" in order to reflect the products produced by the subject plant.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Newell Rubbermaid, Inc., Wooster, Ohio.

Signed at Washington, DC, this 26th day of May, 2004.

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

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[TA-W-54,846]

Our America Gift, Inc., Agawam, MA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 5, 2004, in response to a petition filed a company official on behalf of workers at Our America Gift, Inc., Agawam, Massachusetts.

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

Signed at Washington, DC, this 12th day of May, 2004.

Richard Church,*Certifying Officer, Division of Trade Adjustment Assistance.*

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[TA-W-53,664]

Owens-Illinois, Inc., Hayward, CA; Notice of Revised Determination on Reconsideration

On May 21, 2004, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

On January 29, 2004 the Department initially denied Trade Adjustment Assistance (TAA) to workers of Owens-Illinois, Inc., Hayward, California

producing glass containers (glass wine bottles) because the "contributed importantly" group eligibility requirement of section 222 of the Trade Act of 1974 was not met.

On reconsideration, the department reviewed the information provided by the subject firm during the initial investigation. It was revealed that the company official did inform the Department about the shift of production from the subject facility to several domestic plants, including a meaningful shift in plant production to a facility located in Lavington. However, the official did not identify the Lavington plant as being located in Canada, thus this shift to Canada was not taken into consideration during the original investigation.

In accordance with Section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the facts obtained in the investigation, I determine that there was a shift in production from the workers firm or subdivision to Canada of articles that are like or directly competitive with those produced by the subject firm or subdivision. In accordance with the provisions of the Act, I make the following certification:

All workers of Owens-Illinois, Inc., Hayward, California who became totally or partially separated from employment on or after November 20, 2002 through two years from the date of certification 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.