

production to Canada. One of the petitioners directed the Department to a specific company official.

A conversation with this company official revealed that there was no production shifted from the Harbor Springs, Pellston or Boyne City facilities to Canada.

The petitioners also alleged that the Department had not followed through with specific customer bid information provided in the initial investigation. The petitioners also indicated that these potential customers had awarded contracts to companies that produced abroad, and that the subject firm was excluded from competition due to competitive imports.

The Department conducted a bid survey of customers based on specified dates in the relevant period. Results of this survey revealed that either the contracts were awarded to domestic firms or, in cases where the contracts were awarded to companies that manufactured abroad, the subject firm was not the most competitive domestic bidder.

### 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 8th day of March, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,147 and TA-W-53,147A]

#### **Eagle Picher, Inc., Hillsdale, MI; Eagle Picher, Inc., Jonesville, MI; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and under section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on November 21, 2003, applicable to workers of Eagle

Picher, Inc., located in Hillsdale, Michigan. The notice was published in the **Federal Register** on December 29, 2003 (68 FR 74978).

On January 6, 2004, the Department amended the certification to include workers at the Jonesville, Michigan location of Eagle Picher, Inc. The notice of amendment was published in the **Federal Register** on January 28, 2004 (69 FR 4178).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The amendment failed to cite the eligibility for workers of Picher, Inc., in both Hillsdale and Jonesville, Michigan, to apply for transitional adjustment assistance.

The Department is again amending the certification to include eligibility for workers of the subject firm to apply for ATAA.

The amended notice applicable to TA-W-53,147 is hereby issued as follows:

All workers of Eagle Picher, Inc., Hillsdale, Michigan (TA-W-53,147), and Eagle Picher, Inc., Jonesville, Michigan (TA-W-53,147A), who became totally or partially separated from employment on or after September 26, 2002, through November 21, 2005, 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, as amended.

Signed in Washington, DC, this 9th day of March, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,145]

#### **General Aluminum Manufacturing Co., Hudson Forge, Hudson, MI; Notice of Negative Determination Regarding Application for Reconsideration**

By application of January 23, 2004, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America-UAW, 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 November 17, 2003, and published in

the **Federal Register** on December 29, 2003 (68 FR 74977).

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 petition for the workers of General Aluminum Manufacturing Co., Hudson Forge, Hudson, Michigan was denied because the "contributed importantly" group eligibility requirement of section 222 of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of exhaust manifolds and related automobile component parts. The company did not import exhaust manifolds and related automobile component parts, nor did the company shift production to a foreign source during the relevant period.

The union alleges that the subject firm is an upstream supplier for a trade-affected company. The petitioner states that Hudson Forge facility was a sister plant and an upstream supplier to Metalloy Corporation Machining Operations, Hudson, Michigan, workers of which were certified eligible for TAA on February 11, 2002. The union further alleges that the closing of the Metalloy Corporation Machining Operations resulted in Hudson Forge ceasing operations.

A company official was contacted in regard to these allegations. As a result, it was revealed that the subject firm supplied one part to the Metalloy Corporation Machining Operations, Hudson Michigan. In December of 2001, Metalloy Corporation Machining Operations, Hudson, Michigan shut down and moved its production to another General Aluminum Division in Fremont, Indiana, including the part manufactured by the subject firm. It was established that Metalloy Corporation Machining Operations, Hudson, Michigan ceased its production in December of 2001, which means that the subject firm did not supply components to this firm during the relevant period of this investigation. Furthermore, the review of the original investigation