

TA-W-41,645B and Brown City Wire Company, ADP TotalSource, Harbor Beach, Michigan a subsidiary of Clements Manufacturing, headquartered in Sterling Heights, Michigan (TA-W-41,645C), who became totally or partially separated from employment on or after May 15, 2001, through August 22, 2004, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 2nd day of September, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-20864 Filed 9-15-04; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,494]

#### Jones and Vining, Inc., Lewiston, ME; Notice of Revised Determination

The State of Maine requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The request was made because the Department certified the workers of the subject firm regarding only eligibility to apply for worker adjustment assistance. The certification was signed on April 13, 2004. The notice was published in the **Federal Register** on May 24, 2004 (69 FR 29578):

The Department issued the limited certification because it did not investigate if workers met the eligibility requirement of Alternative Trade Adjustment Assistance (ATAA), since a copy of the request for determination of eligibility to apply for the ATAA program for Older Workers was not attached to the petition.

Because the State provided documentation that a request for ATAA consideration was properly submitted, an investigation was conducted to determine if workers are eligible to apply for ATAA.

The investigation revealed that a significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable and that 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 Jones and Vining, Inc., Lewiston, Maine, who became totally or partially separated from employment on or after March 10, 2003 through April 13, 2006, 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."

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

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-20865 Filed 9-15-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,620]

#### NVF Company Fabrication Division Wilmington, DE; Notice of Negative Determination on Reconsideration

On August 9, 2004, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Department's notice was published in the **Federal Register** on August 17, 2004 (69 FR 51106). Workers produce insulating materials and breaking systems and are not separately identifiable by product line.

The Department denied Trade Adjustment Assistance (TAA) and Alternate Trade Adjustment Assistance (ATAA) to workers of the subject firm because there were neither increased imports nor shifts of production of either insulating materials or braking systems during 2002, 2003, or January-February 2004.

In the request for reconsideration, the petitioner alleges that the subject facility is a "downstream (Fabricating) plant" and infers that the subject worker group should be eligible to apply for TAA because they fabricate articles from material produced at two affiliated plants: NVF Company, Yorklyn, Delaware and NVF Company, Kennett Square, Pennsylvania (TA-W-53,878 and TA-W-53,878A, signed February 3, 2004).

NVF Company, Yorklyn, Delaware produced vulcanized fiber. NVF Company, Kennett Square, Pennsylvania produced high-pressure laminates. Both products are made with asbestos produced at each location.

As a result of the reconsideration investigation, it was determined that the subject firm is not a downstream producer (a firm that performs additional, value-added production processes such as assembly or finishing) to a firm or subdivision that employed a group of workers who received TAA certification and that production at the subject facility is not related to the articles that was the basis for the certification.

The reconsideration investigation revealed that the subject worker group performed no additional, value-added production processes on the vulcanized rubber and high-pressure laminates produced at the sister plants. Rather, the subject facility uses the asbestos produced at the sister facilities as a raw material for the insulation and braking systems made by the subject, worker group.

Further, even if the subject facility was considered a downstream producer, the subject worker group would not be eligible for TAA certification because the insulation and braking systems produced at the subject facility are unrelated and significantly different from the vulcanized rubber and high-pressure laminates produced at the sister 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 in Washington, DC this 9th day of September, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-20866 Filed 9-15-04; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,002]

#### Parallax Power Components, LLC, RV Converter Products, Goodland, IN; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June

29, 2004, applicable to workers of Parallax Power Components, LLC, Goodland, Indiana. The notice was published in the **Federal Register** on August 3, 2004 (69 FR 46575).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce finished recreational vehicle power converters.

The review shows that all workers of Parallax Power Components, LLC, in Goodland, Indiana, were previously certified eligible to apply for adjustment assistance under petition number TA-W-40,523, which expired on January 23, 2004.

Therefore, in order to avoid an overlap in worker group coverage, the Department is amending the May 20, 2003, impact date established for TA-W-55,002, to read January 24, 2004.

The amended notice applicable to TA-W-55,002 is hereby issued as follows:

All workers of Parallax Power Components, LLC, RV Converter Products Division, Goodland, Indiana, who became totally or partially separated from employment on or after January 24, 2004, through June 29, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 2nd day of September, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-20869 Filed 9-15-04; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,484]

### Toro Irrigation and Consumer Products, El Paso, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 20, 2004, in response to a worker petition filed by a company official on behalf of workers at Toro Irrigation and Consumer Products, El Paso, Texas.

The petitioning group of workers is covered by an earlier petition filed on August 19, 2004 (TA-W-55,476) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

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

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-20873 Filed 9-15-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55, 072]

### Jaymar-Ruby, Inc. D/B/A Trans-Apparel Group A Subsidiary of Hartmarx Corporation Michigan City, IN; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Jaymar-Ruby, Inc., d/b/a Trans-Apparel Group, a subsidiary of Hartmarx Corporation, Michigan City, Indiana. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-55, 072; Jaymar-Ruby, Inc., d/b/a Trans-Apparel Group, a subsidiary of Hartmarx Corporation, Michigan City, Indiana (August 31, 2004).

Signed in Washington, DC this 8th day of September, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-20870 Filed 9-15-04; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,899]

### Zilog, Inc., Nampa, ID; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Zilog, Inc., Nampa, Idaho. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

PTA-W-54,899; Zilog, Inc. Nampa, Idaho (September 1, 2004)

Signed at Washington, DC this 8th day of September 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-20867 Filed 9-15-04; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

#### 1. Eastern Associated Coal Corporation

[Docket No. M-2004-037-C]

Eastern Associated Coal Corporation, P.O. Box 1990, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35 (Portable trailing Cables and Cords) to its Harris No. 1 Mine (MSHA I.D. No. 46-01271) located in Boone County, West Virginia. The petitioner requests a modification of the existing standard to permit the use of trailing cables for certain roof bolters, mobile roof supports, and shuttle cars longer than the cable lengths specified in 30 CFR 18.35. The maximum length of the cables supplying the roof bolters, and mobile roof supports shall not exceed 900 feet. The maximum length of the trailing cables supplying shuttle cars will not exceed 800 feet. The trailing cable(s) for the 480-volt mobile roof support(s) will not be smaller than a No. 4 A.W.G., the trailing cable(s) for roof bolters (E) will not be smaller than No. 2 A.W.G., and the cables for shuttle cars will not be smaller than No. 1/0. This petition will apply only to trailing cables that supply 480-volt, three phase, and alternating current to roof bolters, mobile roof supports, and 300-volt D.C shuttle cars. The petitioner has listed specific procedures in this petition that would be followed when implementing the proposed alternative method. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### 2. Brooks Run Mining Company, LLC

[Docket No. M-2004-038-C]

Brooks Run Mining Company, LLC, 25 Little Birch Road, Sutton, West