

accelerator cable during the relevant period, nor did it shift production to a foreign source.

The petitioner alleges that the layoffs are attributable to a shift in production to Mexico.

A review of the initial investigation revealed that the company will shift production to Mexico in the third or fourth quarter of 2003; however, the scheduled shift is beyond the relevant period of this investigation.

#### 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 18th day of July, 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-41,658]

##### **TNS Mills, Inc., Gaffney Weaving Division, Now Known as Wellstone Mills, LLC, Gaffney, South Carolina; 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 October 10, 2002, applicable to workers of TNS Mills, Inc., Gaffney Weaving Division, Gaffney, South Carolina. The notice was published in the **Federal Register** on November 5, 2002 (67 FR 67422).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of greige goods and yarn.

New information shows that Wellstone Mills, LLC purchased TNS Mills, Inc., Gaffney Weaving Division, Gaffney, South Carolina in March 2003 and is now known as Wellstone Mills, LLC. Workers separated from employment at the subject firm had their wages reported under a separate

unemployment insurance (UI) tax account for Wellstone Mills, LLC.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of TNS Mills, Inc., Gaffney Weaving Division, Gaffney, South Carolina who were adversely affected by increased imports.

The amended notice applicable to TA-W-41,658 is hereby issued as follows:

All workers of TNS Mills, Inc., Gaffney Weaving Division, now known as Wellstone Mills, LLC, Gaffney, South Carolina, who became totally or partially separated from employment on or after May 10, 2001, through October 10, 2004, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 25th day of July, 2003.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-20106 Filed 8-6-03; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-51,103]

##### **Toshiba America Electronic Components, Inc. Design Center, Beaverton, OR; Notice of Negative Determination Regarding Application for Reconsideration**

By application of July 16, 2003, a state agency representative requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Toshiba America Electronic Components, Inc. Design Center, Beaverton, Oregon was signed on April 30, 2003, and published in the **Federal Register** on May 9, 2003 (68 FR 25060).

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 TAA petition was filed on behalf of workers at Toshiba America Electronic Components, Inc. Design Center, Beaverton, Oregon engaged in electronics design. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222 of the Act.

The state agency representative alleges that the services performed by the workers are essential to production and therefore the workers should be eligible to apply for TAA.

Design services do not constitute production according to the eligibility requirements for trade adjustment assistance.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

#### 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 18th day of July, 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-51,230]

##### **Vanguard EMS, Inc., a/k/a Viasystems Portland, Inc., Beaverton, Oregon; Notice of Affirmative Determination Regarding Application for Reconsideration**

By letter of April 30, 2003, the State of Oregon requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on April 16, 2003, and published in the **Federal Register** on May 1, 2003 (68 FR 23322).