

The petition for the workers of American Wood Moulding, LLC, El Paso, Texas engaged in distribution of wood products was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner contends that the Department erred in its interpretation of work performed at the subject facility as a service and further conveys that workers of the subject company converted wood products to customer specifications. He further states that because moulding was cut into various length to meet customer requests at the subject facility, workers of the subject firm should be considered engaged in production.

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that the subject firm is strictly a distribution and warehousing facility. The official further clarified that workers of the subject firm do not produce an item, but only occasionally cut finished wood moulding into different lengths as requested by customers. He also stated that by cutting the moulding, workers do not add value or transform the finished moulding into a new and different product, and perform cutting for the retail purposes in the distribution stage.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance, but rather only whether they produced an article within the meaning of section 222 of the Trade Act of 1974.

Cutting finished products from bulk form into various length as requested by customers in the distribution or retail stage is not considered production of an article within the meaning of section 222 of the Trade Act. Petitioning workers do not produce an "article" within the meaning of the Trade Act of 1974.

The investigation on reconsideration supported the findings of the primary investigation that the petitioning group of workers does not produce an article.

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 certifiable for TAA; or if the group of workers are leased workers who perform their duties onsite at the TAA certifiable location on established contractual basis.

## 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 13th day of July, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,046]

#### **Bernhardt Furniture Company, Plant 7, Contract Office Furniture Division, Lenoir, NC; 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 Bernhardt Furniture Company, Plant 7, Contract Office Furniture Division, Lenoir, North Carolina. 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-57,046; Bernhardt Furniture Company, Plant 7, Contract Office Furniture Division, Lenoir, North Carolina (July 18, 2005).

Signed in Washington, DC this 28th day of July 2005.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,409]

#### **Elbeco, Inc., Meyersdale Manufacturing Co., Meyersdale, PA; 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 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 July 8, 2005, applicable to workers of Elbeco, Inc., Meyersdale Manufacturing Co., Meyersdale, Pennsylvania. The notice will soon be published in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce woven uniform shirts.

The review shows that all workers of Elbeco, Inc., Meyersdale Manufacturing, Meyersdale, Pennsylvania, were certified eligible to apply for adjustment assistance under petition number TA-W-41,709, which expired on August 23, 2004.

In order to avoid an overlap in worker group coverage, the Department is amending the current certification for workers of Elbeco, Inc., Meyersdale Manufacturing, Meyersdale, Pennsylvania, to change the impact date from June 7, 2004, to August 24, 2004.

The amended notice applicable to TA-W-57,409 is hereby issued as follows:

All workers of Elbeco, Inc., Meyersdale Manufacturing Co., Meyersdale, Pennsylvania, who became totally or partially separated from employment on or after August 24, 2004, through July 8, 2007, 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 20th day of July 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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