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 2nd day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–32279 Filed 12–31–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,451]

Saurer Inc., a/k/a Schlafhorst Inc., Charlotte, NC; Notice of Negative Determination Regarding Application for Reconsideration

By application of September 30, 2003, a petitioner 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 Saurer Inc., a/k/a Schlafhorst Inc., Charlotte, North Carolina was signed on September 5, 2003, and published in the **Federal Register** on October 10, 2003 (68 FR 58719).

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 Saurer Inc., a/k/a Schlafhorst Inc., Charlotte, North Carolina engaged in buying and selling of textile machinery and parts. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner alleged that, in fact, the petitioning worker group was engaged in production of a variety of articles in connection with servicing textile machinery, including training manuals, flash cards containing software upgrades, and a variety of spare parts used to service existing customer machinery. The petitioner further directed the Department to contact a specific company official who would be particularly knowledgeable about production activity at the facility.

The Department contacted the company official specified in regard to these allegations. As a result, it was revealed that the petitioning worker group worked in the Service Department, and were separately identifiable from two other departments at the subject facility, engaged in buying and selling of textile machinery and performing repair work, respectively. Ensuing conversations with this official revealed that all of the items specified by the petitioner were produced at the subject facility, collectively constituting a small but significant portion of work performed by the petitioning worker group. These products include manuals, flashcards encoded with customized software and spare parts. However, none of the products are being imported, rather they continue to be produced at the subject firm, albeit in dramatically diminished volumes due to a downturn in the market for textile machinery.

The official further concluded that the manuals and customized software were designed specifically for machinery purchased by the customer from the subject firm, so there was little likelihood of outside competition in regard to these products. Regarding spare parts made on demand, this production accounted for a negligible amount of work performed by the petitioning worker group when considered in isolation in the relevant period.

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 25th day of November, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–32280 Filed 12–31–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,576]

Smith Meter, Inc., (Also Known as FMC Measurement Solutions), a Subsidiary of FMC Technologies, Inc., Erie, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application of October 1, 2003, the petitioner 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 was signed on September 10, 2003 and published in the **Federal Register** on October 10, 2003 (68 FR 58719).

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, filed on behalf of workers at Smith Meter, Inc. (a.k.a. FMC Measurement Solutions), a subsidiary of FMC Technologies, Inc., Erie, Pennsylvania, engaged in the production of liquid measurement equipment, was denied because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a survey of the subject firm's major customers regarding their purchases of liquid measurement equipment. The survey revealed that none of the customers increased their import purchases of liquid measurement equipment, while reducing their purchases from the subject firm during the relevant period. The subject firm imported negligible percentage of liquid measurement equipment during the relevant period.

The petitioner attached two documents in support of his allegations, that Smith Meter, Inc. (a.k.a. FMC Measurement Solutions) does import

liquid measurement equipment. First document is a letter to General Manager of FMC Measurement Solutions announcing the winner of 2002 Eagle Award. The announcement remarks Liquid Products, Measurement Solutions' ''sound sourcing strategies'', and refers to the sourcing of bearings and machined rotors in China.

Further contact with the company official revealed that the subject firm has been establishing contacts with foreign firms and is currently looking into buying some products in China. The subject firm does import a small fraction of products, which in no way affects domestic production of liquid measurement equipment. Imports of bearings and machined rotors were reflected in the data provided by the subject firm in the Confidential Data Request during the initial investigation. The Department of Labor received and analyzed financial information provided by the subject firm. A review of the initial investigation revealed that, in context to total plant production, the amount of imports by the subject firm is considered to be negligible during the period under investigation.

The second document provided by the petitioner is the announcement of the recipient of FMC Eagle Award for 2003. The letter does not contain any information, which will support petitioner's allegation and is irrelevant in this investigation.

As already indicated, a negligible amount of product has been imported by the subject facility, albeit not significant enough to contribute to layoffs.

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 decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 9th day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–32287 Filed 12–31–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,774]

Weyerhauser Co., North Bend, OR; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of November 18, 2003, a petitioner 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 notice was signed on October 20, 2003, and published in the **Federal Register** on November 6, 2003 (68 FR 62832).

The Department has reviewed the request for reconsideration and has determined that the petitioner has provided additional customer information. Therefore, the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 19th day of November, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–32278 Filed 12–31–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determination in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and area effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and