

of Johnson Controls, Inc., were engaged in activities related to the production of unfinished fabrics at Springs Industries, Inc., Springfield Plant at the Laurel Hill, North Carolina location of the subject firm.

Based on these findings, the Department is amending this certification to include contract workers of Johnson Controls working at Springs Industries, Inc., Springfield Plant, Laurel Hill, North Carolina.

The intent of the Department's certification is to include all workers of Springs Industries, Inc., Springfield Plant, who were adversely affected by increased imports of unfinished fabrics.

The amended notice applicable to TA-W-53,481 is hereby issued as follows:

All workers of Springs Industries, Inc., leased workers of Phillips Staffing, Springfield Plant, and contract workers of Johnson Controls, Inc. working at Springs Industries, Inc., Springfield Plant, Laurel Hill, North Carolina, who became totally or partially separated from employment on or after October 31, 2002, through November 24, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 20th day of February, 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,577]

TDK Texas Corporation, A Subsidiary of TDK USA Corporation, El Paso, Texas; Notice of Negative Determination Regarding Application for Reconsideration

By application of January 5, 2004, 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 was signed on November 24, 2003 and published in the **Federal Register** on December 29, 2003 (68 FR 74978).

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 TAA petition, filed on behalf of workers at TDK Texas Corporation, a subsidiary of TDK USA Corporation, El Paso, Texas, engaged in distribution of electronic components was denied because the workers did not produce an article within the meaning of Section 222 of the Trade Act of 1974.

The workers appear to be alleging that layoffs at TDK Texas Corporation, a subsidiary of TDK USA Corporation, El Paso, Texas, was attributed to free trade and attempt to depict this in their request for reconsideration.

The worker allegations of trade impact would only be relevant if all other eligibility requirements for trade adjustment assistance were met in this case. However, distribution services do not meet the definition of production of an article as established in Section 222 of the Trade Act, thus the workers in this case do not meet the eligibility requirements of TAA.

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 20th day of February, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Survivor's Form for Benefits (CM-912). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 7, 2004.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, e-mail bell.hazel@dol.gov. Please use only one method of transmission for comments (mail, fax, or e-mail).

SUPPLEMENTARY INFORMATION

I. Background

This collection of information is required to administer the benefit payment provisions of the Black Lung Act for survivors of deceased miners. Form CM-912 is authorized for use by the Black Lung Benefits Act 30 U.S.C. 901, *et seq.*, 20 CFR 410.221 and CFR 725.304. Completion of Form CM-912 constitutes the application for benefits by survivors and assists DCMWG in determining the survivor's entitlement to benefits. This information collection is currently approved for use through August 31, 2004.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;