

determined that at least five percent of the workforce at the subject firm is at least fifty years of age 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 at Lake Region Manufacturing, Inc., Lake Region Medical, Inc., Pittsburgh, Pennsylvania, who became totally or partially separated from employment on or after January 12, 2003 through March 2, 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 19th day of April, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-961 Filed 4-29-04; 8:45 am]

BILLING CODE 4510-13-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,499]

#### **Marion County Shirt Company, Ark Management Consultants, Marshall, AR; 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 February 10, 2003, applicable to workers of Marion County Shirt Company, Marshall, Arkansas. The notice was published in the **Federal Register** on March 26, 2003 (68 FR 14708).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of men's woven dress shirts.

New information shows that some workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax

account for Ark Management Consultants. 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 Marion County Shirt Company, Marshall, Arkansas, who were adversely affected by increased imports.

The amended notice applicable to TA-W-50,499 is hereby issued as follows:

All workers of Marion County Shirt Company, Ark Management Consultants, Marshall, Arkansas, who became totally or partially separated from employment on or after January 6, 2002, through February 10, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 16th day of April, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-965 Filed 4-29-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,798]

#### **Mohican Mills, Inc., Lincolnton, NC; Notice of Affirmative Determination Regarding Application for Reconsideration**

By letter of February 22, 2004, 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 Department's determination notice was signed on February 2, 2004, and published in the **Federal Register** on March 12, 2004 (69 FR 11888).

The Department reviewed the request for reconsideration and has determined that the petitioner has provided additional information regarding the appropriate subject worker group. 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 16th day of April, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-963 Filed 4-29-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,948]

#### **Seagate Technology, LLC, Research and Development Division, Oklahoma City, OK; Notice of Negative Determination Regarding Application for Reconsideration**

By application of February 18, 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 applicable to workers of Seagate Technology, LLC, Research and Development Division, Oklahoma City, Oklahoma was signed on February 3, 2004, and published in the **Federal Register** on March 12, 2004 (69 FR 11888).

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 was filed on behalf of workers at Seagate Technology, LLC, Research and Development Division, Oklahoma City, Oklahoma engaged in activities related to design and planning work for products further developed or produced elsewhere. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner alleges that the workers at the subject facility performed replication of the equipment that is used to build the head disk assemblies (HDA) stations at a Singapore assembly plant and that this replication function was terminated and transferred to Singapore.

The petitioner further states that "the last generation HDA assembly equipment ended prototype build by my group in Oklahoma City in October 2002, and Norelco was chartered with replication at that time."

A company official was contacted regarding these allegations. It was revealed that workers at Seagate Technology, LLC, Research and Development Division, Oklahoma City, Oklahoma were engaged in the procuring, machining and the assembly of the Mobile Stack Automation (MSA) robotics line and were responsible for designing and assembling of OKC prototypes which were further used by Seagate's production facility Norelco in Singapore to manufacture disc drives. In March 2001 and October 2002 the subject firm transferred replication responsibility for the FOF and Seal Lines from Oklahoma City to Norelco in Singapore. However, the petitioning workers were not affected by this transfer as they continued working at the subject facility on OKC prototype (MSA line) until December of 2003. In fact, according to the data provided by the company official, employment at Seagate Technology, LLC, Research and Development Division, Oklahoma City, Oklahoma increased from 2002 to 2003. The official further reported that the Oklahoma City group was terminated in December 2003. At that time, the work done by this group (the MSA Line) was transferred to Longmont, Colorado and was not sent to Singapore.

It was established upon the reconsideration that prototype functions performed at the subject facility during the relevant time period were shifted exclusively to a domestic site. It was also revealed that, although prototype function does occur at an affiliate in Singapore, there was no evidence of a shift from the subject facility to the Singapore affiliate within the relevant time period, or any U.S. imports resulting from this or any other foreign production.

### 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 15th day of April, 2004.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade  
 Adjustment Assistance.*

[FR Doc. E4-962 Filed 4-29-04; 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 determinations 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 are effective from their date of notice in the **Federal Register**, or in 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 decisions, 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 fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

#### Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

#### Volume I:

New Hampshire  
 NH030005 (Jun. 13, 2003)  
 NH030007 (Jun. 13, 2003)

#### Volume II:

Maryland  
 MD030016 (Jun. 13, 2003)  
 Pennsylvania  
 PA030002 (Jun. 13, 2003)  
 PA030003 (Jun. 13, 2003)  
 PA030004 (Jun. 13, 2003)  
 PA030024 (Jun. 13, 2003)  
 PA030042 (Jun. 13, 2003)