

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-42,113]

**The Wackenhut Corp., San Manuel, AZ; Notice of Revised Determination**

In the matter of *Former Employees of Wackenhut Corporation v. U.S. Secretary of Labor*, No. 02-00758, the Department is issuing a revised determination to certify workers of the subject firm eligible to apply for trade adjustment assistance (TAA).

Workers of The Wackenhut Corporation, San Manuel, Arizona, were working on-site at a copper cathode production facility operated by BHP Copper, Inc. in San Manuel, Arizona. The Wackenhut Corporation workers were denied eligibility to apply for TAA because they provided security services for an unaffiliated firm. All workers of BHP Copper, Inc., San Manuel, Arizona, were certified eligible to apply for TAA.

The Department determined that The Wackenhut Corporation was contracted by BHP Copper, Inc. to provide security services at BHP in San Manuel, Arizona and other BHP locations. During the contract period the leased or contract workers providing a service (Wackenhut) remained under the control by the firm producing the article (BHP Copper, Inc.). In accordance with a reinterpretation of the Trade Act term workers of a firm and the joint employer relationship that existed between Wackenhut and BHP Copper, Inc., the Department has determined that because all workers of BHP Copper, Inc. in San Manuel, Arizona were certified eligible to apply for TAA, the leased or contract employees of The Wackenhut Corporation working at that location are also adversely affected by increased imports of copper cathodes and the closure of the BHP facility.

**Conclusion**

After careful review on reconsideration, I determine that increases of imports of articles like or directly competitive with copper cathodes produced by BHP Copper Inc., San Manuel, Arizona, contributed importantly to the total or partial separation of workers and to the decline in sales or production at that firm or subdivision.

In accordance with the provisions of the Act, I make the following certification:

Workers employed by The Wackenhut Corporation, working at BHP Copper Inc., San Manuel, Arizona, who became totally or partially separated from employment on or

after September 4, 2001, through two years from the date of this determination, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed in Washington, DC, this 4th day of May, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment and Training Administration****Labor Certification Process for Temporary Employment of Nonimmigrant Workers in the United States (H-2B Workers); Fiscal Year 2005**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The United States Citizenship and Immigration Services (CIS) has received a sufficient number of H-2B petitions to reach the FY 2004 cap of 66,000. The Employment and Training Administration (ETA) is publishing this notice so the public will understand application procedures for the processing of H-2B applications for FY 2005 (date of need October 1, 2004 or later). These procedures are intended to minimize confusion and burden to employers who use the H-2B program. Any employer who desires to employ an H-2B worker with a start date of need on or after October 1, 2004, must file a new ETA 750, Part A, *Application for Alien Employment*, with a new test of the labor market, with the U.S. Department of Labor (DOL) on or after June 1, 2004. This procedure applies to those employers who have not been able to use a currently approved labor certification due to the H-2B program cap being reached for FY 2004. This action is necessary as the availability of U.S. workers fluctuates over short periods of time and an adequate test of the labor market must be made prior to the approval of a labor certification. Current DOL policy requires employers to file their H-2B application no more than 120 days before the worker is needed thus ensuring the labor market test is reasonably current. For example, employers who filed applications with DOL after March 10, 2004, and were not approved by CIS due to the program cap being reached, will need to file new applications with the DOL no earlier than June 1, 2004, if the employer has a date of need no earlier than October

1, 2004. These applications will be handled according to current ETA policy and must include a current test of the U.S. labor market.

**DATES:** This notice is effective May 13, 2004.

**FOR FURTHER INFORMATION CONTACT:**

William Carlson, Chief, Division of Foreign Labor Certification, U.S. Department of Labor, Room C-4312, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The procedures described in this notice relate only to H-2B applications filed with DOL on or after June 1, 2004, for nonimmigrant workers subject to the numerical limitation (cap) for FY 2005 and who will be engaged in temporary work to commence on or after October 1, 2004.

In accordance with ETA's policy, employers may file an H-2B application at least 60 days, but not more than 120 days before the worker is needed. Therefore, employers may begin filing no earlier than June 1, 2004, for a date of need beginning October 1, 2004.

Signed in Washington, DC, this 7th day of May, 2004.

**Emily Stover DeRocco,**

*Assistant Secretary, Employment and Training Administration.*

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**BILLING CODE 4510-30-P**

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency proposes to request extension of a currently approved information collection used in issuing a building pass to National Archives and Records Administration (NARA) volunteers and employees of NARA contractors so that they can enter NARA facilities to perform their duties. NARA uses the information to ensure that only authorized persons have access. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be received on or before July 12, 2004 to be assured of consideration.