

after August 16, 2003, through September 13, 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 at Washington, DC this 13th day of October 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-2813 Filed 10-22-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,560]

#### **Lacey Manufacturing Company, FAG Holding Corporation, MCA Product Line, Including Leased Workers of Adecco Staffing Services, Bridgeport, CT; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Negative Determination Regarding Eligibility to Apply for Alternative 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 and Negative Determination Regarding Alternative Trade Adjustment Assistance on September 23, 2004, applicable to workers of Lacey Manufacturing Company, MCA Product Line, including leased workers of Adecco Staffing Services, Bridgeport, Connecticut. The notice will be published soon in the **Federal Register**.

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 disposable surgical devices.

New information provided by the company shows that FAG Holding Corporation is the parent firm of Lacey Manufacturing Company. Information also shows that workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for FAG Holding Corporation.

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 Lacey Manufacturing Company, MCA Product Line, including leased workers of ADECCO who were adversely affected by increased imports.

The amended notice applicable to TA-W-55,560 is hereby issued as follows:

"All workers of Lacey Manufacturing Company, FAG Holding Corporation, MCA Product Line, including leased workers of ADECCO Staffing Services, Bridgeport, Connecticut, who became totally or partially separated from employment on or after September 2, 2003, through September 23, 2006, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

I further determine that all workers of Lacey Manufacturing Company, FAG Holding Corporation, MCA Product Line, including ADECCO Staffing Services, Bridgeport, Connecticut are denied eligibility to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 13th day of October 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-2814 Filed 10-22-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,233]

#### **Meadwestvaco Corporation Including Leased Workers of D&H Associates, Inc. and Proserv, Inc. Escanaba Mills, Escanaba, MI; Notice of Negative Determination Regarding Application for Reconsideration**

By application of September 7, 2004, a petitioner representative 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 August 10, 2004 and published in the **Federal Register** on September 8, 2004 (69 FR 54321).

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, which was filed on behalf of workers at Meadwestvaco Corporation, Escanaba Mills, Escanaba, Michigan, engaged in the production of coated paper, was denied based on the findings that during the relevant time periods, the subject company did not separate or threaten to separate a significant number or proportion of workers, as required by Section 222 of the Trade Act of 1974; that subject company's sales and production had increased from 2002 to 2003, and also increased during January through July 2004 compared to 2003; and that the subject company did not shift production abroad.

In the request for reconsideration, the petitioner alleges that the Department "did not take into account the true number of affected workers and job losses due to lost sales to foreign competition."

For companies with a workforce of over fifty workers, a significant proportion of worker separations or threatened separations is five percent. In determining whether there were a significant proportion of workers separated or threatened with separations at the subject company during the relevant time periods, the Department requested employment figures for the subject company's Escanaba Mills for 2002, 2003, January-July 2003 and January-July 2004. A careful review of the information provided in the initial investigation revealed that employment at the Escanaba Mills declined about two percent during the relevant time period.

A petitioner was contacted to clarify the statement of "the true number of affected workers". The petitioner informed that a significant number of workers had been separated from the subject firm since 1998 and that this number should be taken into consideration by the Department.

When assessing eligibility for TAA, the Department exclusively considers the relevant employment data for the facility where the petitioning worker group was employed. The relevant period represents four quarters back from the date of the petition, thus data from 1998 is irrelevant in this investigation. As employment levels, sales and production at the subject facility did not decline in the relevant period, and the subject firm did not shift production to a foreign country, criteria (a)(2)(A)(I.A), (a)(2)(B)(II.A), (a)(2)(A)(I.B), and (a)(2)(B)(II.B) have not been met.

The request for reconsideration also alleged that the subject company failed to provide key customer contact information.

Since the petition resulted in a denial due to employment, sales and production criteria not being met, the initial investigation did not pursue this line of inquiry and any alleged failure to provide customer contact information did not influence the determination of the case.

### 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 13th day of October 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-2811 Filed 10-22-04; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,261]

#### **Sony Electronics, Inc., AOEM Service Center, Farmington Hills, MI; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application of August 30, 2004, the company official 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 negative determination was issued on August 11, 2004. The determination Notice was published in the **Federal Register** on September 8, 2004 (69 FR 54320). A corrected copy of the determination was issued on September 30, 2004 and will soon be published in the **Federal Register**.

The Department has reviewed the request for reconsideration and has determined that the petitioner has provided additional information regarding work performed by the subject worker group.

### 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 7th day of October 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-2812 Filed 10-22-04; 8:45 am]

**BILLING CODE 4510-30-P**

## 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 for the following medical reports: CM-933, Roentgenographic Interpretation; CM-933b, Roentgenographic Quality Rereading; CM-988, Medical History and Examination for Coal Mine Workers' Pneumoconiosis; CM-1159, Report of Arterial Blood Gas Study; and CM-2907, Report of Ventilatory Study. 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 December 27, 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, Email [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or Email).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Black Lung Act Benefits Act of 1977 as amended, 20 U.S.C. 901 *et. seq.*

and 20 CFR 718.102 set forth criteria for the administration and interpretation of x-rays. When a miner applies for benefits, the Division of Coal Mine Workers' Compensation (DCMWC) is required to schedule a series of four diagnostic tests to help establish eligibility for black lung benefits. Each of the diagnostic tests has its own form that sets forth the medical results. The forms are: CM-933, Roentgenographic Interpretation; CM-933b, Roentgenographic Quality Rereading; CM-988, Medical History and Examination for Coal Mine Workers' Pneumoconiosis; CM-1159, Report of Arterial Blood Gas Study; and CM-2907, Report of Ventilatory Study. This information collection is currently approved for use through April 30, 2005.

##### **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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

##### **III. Current Actions**

The Department of Labor seeks the approval of this information in order to carry out its responsibility to determine eligibility for black lung benefits.

*Type of Review:* Revision.

*Agency:* Employment Standards Administration.

*Title:* CM-933, Roentgenographic Interpretation; CM-933b, Roentgenographic Quality Rereading; CM-988, Medical History and Examination for Coal Mine Workers' Pneumoconiosis; CM-1159, Report of Arterial Blood Gas Study; and CM-2907, Report of Ventilatory Study.

*OMB Number:* 1215-0090.

*Agency Number:* CM-933, CM-933b, CM-988, CM-1159 and CM-2907.