

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-56,398]

Libbey Glass, Inc. Walnut, CA; Negative Determination Regarding Application for Reconsideration

By application of April 4, 2005, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 14, 2005, and was published in the **Federal Register** on May 2, 2005 (70 FR 22710).

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 petition for the workers of Libbey Glass, Inc., Walnut, California engaged in production of glassware was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met, nor was there a shift in production from that firm to a foreign country.

The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no increase in imports of glassware during the relevant period (2003 to 2004). The subject firm did not import glassware in the relevant period.

The petitioner alleges that Libbey Glass, Inc., Walnut, California is shifting production to a new factory in China and is buying a factory in Europe. The petitioner attached articles in support of the allegations.

A review of the investigation file revealed that Libbey Glass, Inc. provided the Department with the information that the subject firm has purchased a plant abroad. It was also revealed that no glassware products were imported from that plant into the United States. All products manufactured in that plant are sold on

the European market and are not intended for the U.S. customer base.

The initial investigation also confirmed that Libbey Glass, Inc. did announce that they were going to build a production facility in China. However, this facility will not be constructed until 2007. Consequently, there are no present imports of glassware which contributed to worker's separations.

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 5th day of May, 2005.

Linda G. Poole,*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-2427 Filed 5-13-05; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-56,769]

Magnetic Specialty, Inc.; Marietta, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 16, 2005 in response to a worker petition filed by a company official on behalf of workers at Magnetic Specialty, Inc., Marietta, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed at Washington, DC this 25th day of April, 2005.

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

[FR Doc. E5-2429 Filed 5-13-05; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-56,998]

Nestle USA; St. Louis, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 18, 2005 in response to a petition filed on behalf of workers of Nestle USA, St. Louis, Missouri.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 25th day of April, 2005.

Linda G. Poole,*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-2433 Filed 5-13-05; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-56,322]

Roseburg Forest Products Particleboard Plant a Subsidiary of RLC Industries Roseburg, OR; Negative Determination on Reconsideration

On April 6, 2005, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Department's notice of determination was published in the **Federal Register** on April 25, 2005 (70 FR 21251).

The Department initially denied Trade Adjustment Assistance (TAA) to former workers of Roseburg Forest Products Particleboard Plant, a Subsidiary of RLC Industries, Roseburg, Oregon, because sales or production did not decline, and there was no shift in production from that firm to a foreign country.

The initial investigation revealed that the value of sales and the quantity of production of particleboard increased in 2004 from 2003 levels and that production did not shift abroad.

In the request for reconsideration, the petitioner, the Western Council of Industrial Workers, Local 2949, alleged that production declined during the fourth quarter of 2004.

During the reconsideration investigation, the Department requested

that Roseburg respond to the petitioner's allegation. According to the company officials, the decline in the fourth quarter of 2004 was a seasonal decline due to difficulties of the building trades during extremely harsh winter conditions. Further, workers who were separated during the building lull are usually re-hired once the orders increase as the weather becomes less inclement.

The Department conducts its petition investigations for the one year period prior to the date of the petition. In this case the petition for workers of Roseburg Forest Products Particleboard Plant, Roseburg, Oregon, was dated January 11, 2005. Although the company concurs that there was decline in production during the fourth quarter of 2004, during the full year 2004 both sales and production at the subject firm increased.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Roseburg Forest Products, Particleboard Plant, a Subsidiary of RLC Industries, Roseburg, Oregon.

Signed at Washington, DC, this 6th day of May 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-2425 Filed 5-13-05; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,917]

S&H Precision Mfg. Co. Inc.; Newmarket, NH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 7, 2005 in response to a petition filed by a company official on behalf of workers at S&H Precision Mfg. Co. Inc., Newmarket, New Hampshire.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 25th day of April, 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-2431 Filed 5-13-05; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,369]

Tower Automotive Milwaukee, LLC, Milwaukee Business Unit, a Division of Tower Automotive, Inc., Milwaukee, WI; Negative Determination Regarding Application for Reconsideration

By application of April 13, 2005, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 15, 2005, and was published in the **Federal Register** on May 2, 2005 (70FR 22710).

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 petition for the workers of Tower Automotive Milwaukee, LLC, Milwaukee Business Unit, a Division of Tower Automotive, Inc., Milwaukee, Wisconsin engaged in production of automotive stampings and frames was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met, nor was there a shift in production from that firm to a foreign country.

The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no increase in imports of automotive stampings and frames during the relevant period. The subject firm did not import automotive stampings or frames in the relevant period.

The petitioner alleges that the subject firm is planning to move production of the Dodge RAM light truck frame assembly "from Milwaukee to Tower Automotive's joint venture partner" in Mexico in mid-2005.

An official of Tower Automotive was contacted in regards to this allegation. The company official stated that Tower Automotive is not "shifting its production of Dodge RAM light truck frame assembly from Milwaukee to Mexico." Tower Automotive will no longer be producing the Dodge RAM light truck frame beginning with the 2006 model year in Milwaukee or anywhere else. The production will end during the period of June 29, 2005 to July 12, 2005. The official further stated that Dodge RAM light truck frame will, however, be produced in Mexico by a different company for the subject firm's customer. It was further revealed that the production of the frame in Mexico by the other company will approximately coincide with when Tower Automotive ceases production of the frame in Milwaukee.

The Department considers import impact for the relevant period of the investigation, which is the one year prior to the date of the petition. In this case, the petition was dated January 19, 2005, and events that may occur in June-July of 2005 are outside of the scope of the investigation. As noted above, the petition investigation determined that there were no increased imports of automotive stampings and frames during the relevant time period.

The petitioner further states that the subject firm's customers are importing automotive stampings and frames and, thus, these imports have contributed to the threat of separation of workers of the subject firm. As a proof, the petitioner attached correspondence and a Bill of Lading for "Body autoparts chassis" dated January 11, 2005, showing Mexico as the point of origin of the parts.

A Tower Automotive official for the Milwaukee facility confirmed that its customer has been purchasing frames from Mexico. For convenience, the customer is shipping them to its domestic assembly plant through Tower Automotive's sequencing center.

The review of the investigation file for this petition confirmed that this declining customer is indeed importing automotive stampings and frames. However, the survey shows a decrease in import purchases of automotive stampings and frames and an increase in purchases from the subject firm during the relevant period.

The petitioner is encouraged to file a new petition should conditions change.