

## APPENDIX—Continued

[Petitions instituted between 02/14/2005 and 02/25/2005]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
56,624 .....	General Motors Corp. (Comp) .....	Pontiac, MI .....	02/23/2005	02/15/2005
56,625 .....	Longwear Hosiery Mill, Inc. (Comp) .....	Hillebran, NC .....	02/23/2005	02/21/2005
56,626 .....	Tee Jays Manufacturing Co., Inc. (Comp) .....	Florence, AL .....	02/23/2005	02/21/2005
56,627 .....	Codet Newport Corp. (Wkrs) .....	Colebrook, NH .....	02/23/2005	02/18/2005
56,628 .....	Vishay Dale Electronics, Inc. (State) .....	Norfolk, NE .....	02/24/2005	02/22/2005
56,629 .....	Datex—Ohmeda, Inc. (Comp) .....	Louisville, CO .....	02/24/2005	02/21/2005
56,630 .....	Sherwood Harsco Gas Service (USWA) .....	Washington, PA .....	02/24/2005	02/22/2005
56,631 .....	Collins and Aikman (USWA) .....	Canton, OH .....	02/25/2005	02/22/2005
56,632 .....	Celestica (Comp) .....	Mt. Pleasant, IA .....	02/25/2005	02/22/2005
56,633 .....	Syracuse China (Wkrs) .....	Syracuse, NY .....	02/25/2005	02/08/2005
56,634 .....	Kopin Corporation (Comp) .....	Taunton, MA .....	02/25/2005	02/16/2005
56,635 .....	Green Acre Creation, Inc. (Comp) .....	Long Island City, NY .....	02/25/2005	02/08/2005
56,636 .....	M.J. Soffee Co. (Comp) .....	Bladenboro, NC .....	02/25/2005	02/09/2005
56,637 .....	Oneida Ltd. (Comp) .....	Sherrill, NY .....	02/25/2005	02/21/2005
56,638 .....	Valspar (Wkrs) .....	Galax, VA .....	02/25/2005	02/17/2005
56,639 .....	Prism Technology and Assemblies, LLC (Comp).	Meadville, PA .....	02/25/2005	02/10/2005
56,640 .....	ATS (Automation Tooling Systems) (State) ....	McAllen, TX .....	02/25/2005	02/23/2005
56,641 .....	Stant Manufacturing, Inc. (UAW) .....	Connersville, IN .....	02/25/2005	02/01/2005
56,642 .....	Turtle Fur Company (Comp) .....	Morrisville, VT .....	02/25/2005	02/16/2005
56,643 .....	America Online, Inc. (Wkrs) .....	Oklahoma City, OK .....	02/25/2005	02/16/2005
56,644 .....	Truth Hardware (GMP) .....	West Hazleton, PA .....	02/25/2005	02/22/2005
56,645 .....	Zodiac American Pools (Wkrs) .....	Midway, GA .....	02/25/2005	02/02/2005
56,646 .....	Wheatland Tube Company (USWA) .....	Warren, OH .....	02/25/2005	02/04/2005
56,647 .....	Stillwater Forest Products (Comp) .....	Kalispell, MT .....	02/25/2005	02/23/2005

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## DEPARTMENT OF LABOR

Employment and Training  
Administration

[TA-W-53,753]

Citation Corporation, Camden, TN;  
Notice of Negative Determination on  
Reconsideration on Remand

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a voluntary remand in *Former Employees of Citation Corporation v. Elaine Chao, U.S. Secretary of Labor*, Court No. 04-00198, on February 7, 2005. The Department of Labor (Department) requested the remand to clarify the basis for its denial of the Trade Adjustment Assistance (TAA) petition dated December 9, 2003, filed by the Tennessee AFL-CIO on behalf of workers of the subject firm.

The Department terminated the investigation of TA-W-53,753 because no new information or change in circumstance was evident which would have resulted in the reversal of a previous negative determination applicable to the same worker group (TA-W-51,871, denied on June 16, 2003). The Notice of Termination was issued on December 11, 2003 and

published in the **Federal Register** on January 7, 2004 (69 FR 940).

By letter dated February 5, 2004, the union representative requested administrative review of the Department's action regarding the subject worker group.

By letter dated March 17, 2004, the Department dismissed the request for reconsideration. The Dismissal of Application for Reconsideration was issued on March 30, 2004 and published in the **Federal Register** on April 6, 2004 (69 FR 18107).

On May 12, 2004, the Plaintiff applied to the USCIT for judicial review, asserting that the Department's determination regarding petitioners TA-W-51,871 and TA-W-53,753 were in error.

Petitioners have sixty days from the date the Department's determination is published in the **Federal Register** to file for judicial review. The determination regarding TA-W-51,871 was published in the **Federal Register** on July 3, 2003 (68 FR 39976). The period to seek judicial review of TA-W-51,871 expired on September 1, 2003. Because the Plaintiff did not file an appeal with the USCIT until May 12, 2004, the determination regarding TA-W-51,871 is final and not subject to judicial review. Therefore, the issue before the USCIT is whether the Department's decision to terminate the investigation for TA-W-53,753 was in error.

A careful review of the documents reveals that both the worker group and the circumstance of the workers' separations in TA-W-53,753 and TA-W-51,871 are the same. Both petitions were filed on behalf of the same worker group, 226 employees of Citation Corporation in Camden, Tennessee and the same circumstance, the closing of the plant on December 12, 2002.

Since the same worker group and circumstance causing the workers' separation had been investigated and a final decision denying certification had been issued in TA-W-51,871, the termination of the investigation of TA-W-53,753 was proper in order to preserve administrative resources. Petitioners had an opportunity to timely seek judicial review of TA-W-51,871 and failed to do so. It would be inappropriate for petitioners to evade the consequences of their failure timely seek judicial review by merely filing an identical petition.

## Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Citation Corporation, Camden, Tennessee.

Signed at Washington, DC, this 9th day of March 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-1345 Filed 3-25-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,449]

#### **Fisher Scientific Company, A Division of Fisher Scientific International, Inc., Laboratory Equipment Division, Indiana, PA; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 1, 2005, in response to a petition filed by a company official on behalf of workers at Fisher Scientific Company, a division of Fisher Scientific International, Inc., Laboratory Equipment Division, Indiana, Pennsylvania.

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

Signed in Washington, DC, this 8th day of March, 2005.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-1349 Filed 3-25-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### **Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the

determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 7, 2005.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 7, 2005.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 15th day of March, 2005.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

## APPENDIX

[Petitions instituted between 02/28/2005 and 03/04/2005]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
56,648	Hamilton Sundstrand (Comp)	Grand Junction, CO	02/28/2005	02/22/2005
56,649	Seneca Foods Corp. (Wkrs)	Dayton, WA	02/28/2005	02/22/2005
56,650	Barnes Supply Co., Inc. (Comp)	Collinsville, VA	02/28/2005	02/24/2005
56,651	Profile Metal Forming (Comp)	Tullahoma, TN	02/28/2005	02/24/2005
56,652	Vishay Sprague (Comp)	Sanford, ME	02/28/2005	02/25/2005
56,653	Mercury Marine—Brunswick (Wkrs)	Fond du Lac, WI	02/28/2005	02/25/2005
56,654	ECC Corporation (Wkrs)	Jefferson, MA	02/28/2005	02/17/2005
56,655	BASF Corporation Agricultural Products (Comp)	Beaumont, TX	02/28/2005	02/02/2005
56,656	ICS Cutting Tools (Comp)	Casco, WI	03/01/2005	02/14/2005
56,657	Vernay Laboratories, Inc. (IUECWA)	Yellow Springs, OH	03/01/2005	02/14/2005
56,658	Pacific Coast Feather Co. (Wkrs)	Henderson, NC	03/01/2005	02/21/2005
56,659	Healthco International, LLC (Comp)	Dixville Notch, NH	03/01/2005	02/28/2005
56,660	GE Security (Comp)	Gladewater, TX	03/02/2005	02/28/2005
56,661	Johnston Textiles, Inc. (Wkrs)	Valley, AL	03/02/2005	03/01/2005
56,662	Olsonite Corporation (Comp)	Newnan, GA	03/02/2005	02/17/2005
56,663	Sohnen Enterprises, Inc. (State)	Santa Fe Spring, CA	03/02/2005	02/18/2005
56,664	Osram Sylvania (Comp)	Bangor, ME	03/02/2005	02/17/2005
56,665	Casual Lamps (State)	Gardena, CA	03/02/2005	02/25/2005
56,666	Aim Nationalease (Comp)	Old Fort, NC	03/02/2005	02/14/2005
56,667	Industrial Distribution Group (Comp)	West Jefferson, NC	03/03/2005	03/03/2005
56,668	Agrium U.S., Inc. (Comp)	Kenai, AK	03/03/2005	03/02/2005
56,669	Positive Systems, Inc. (Comp)	Whitefish, MT	03/03/2005	03/02/2005
56,670	Carolina Mills, Inc. (NC)	Maiden, NC	03/03/2005	02/14/2005
56,671	TSI Logistics (Wkrs)	Stockbridge, GA	03/03/2005	03/02/2005
56,672	Golden Northwest Aluminum (USWA)	Goldendale, WA	03/03/2005	03/01/2005
56,673	Keystone Weaving Mills, Inc. (Comp)	York, PA	03/03/2005	03/01/2005
56,674	CTS Wireless Componets (Wkrs)	Albuquerque, NM	03/03/2005	02/28/2005
56,675	Continental Tire North America (Wkrs)	Akron, OH	03/03/2005	02/02/2005
56,676	Regent Meg Co. (Wkrs)	San Francisco, CA	03/03/2005	03/01/2005
56,677	Wyeth Pharmaceutical (Wkrs)	Westchester, PA	03/03/2005	03/02/2005
56,678	Honeywell International, Inc. (Comp)	Lynn Haven, FL	03/03/2005	02/28/2005