

Signed at Washington, DC, this 20th day of December 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-267 Filed 1-25-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,518]

#### **BASF Corporation, Freeport, TX; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application of October 15, 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 negative determination for the workers of BASF Corporation, Freeport, Texas was signed on October 4, 2004, and the Department's notice of determination was published in the **Federal Register** on October 26, 2004 (69 FR 62461).

The initial investigation found that workers are separately identifiable by product line (polycaprolactum, oxo, diols, and acrylic monomers), that polycaprolactum, oxo and diol production increased during the relevant period, and that the subject company neither increased imports of acrylic monomers during the relevant period nor shifted acrylic monomer production abroad.

In the request for reconsideration, the petitioner alleged that the subject firm has shifted acrylic monomer production to China.

The Department has carefully reviewed the petitioner's request for reconsideration and previously submitted documents, and has determined that the petitioner has provided additional information and that the subject worker group was erroneously categorized. 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 in Washington, DC, this 12th day of January, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,207]

#### **Beverage-Air Abbeville County Factory; Honea Path, SC; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 13, 2004 in response to a petition filed by a company official on behalf of workers at Beverage-Air, Abbeville County Factory, Honea Path, South Carolina.

The petitioner has requested that the petition be withdrawn.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

Signed at Washington, DC this 14th day of January, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,361]

#### **The Boeing Company, Long Beach Division, Long Beach, California; Notice of Negative Determination Regarding Application for Reconsideration**

By application of October 14, 2004, a representative of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, Local 148, 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 September 2, 2004, and published in the **Federal Register** on October 8, 2004 (69 FR 60425).

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 The Boeing Company, Long Beach Division, Long Beach, California was denied because criterion (1) was not met. The subject facility 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.

The petitioner alleges that the workers of the 717 commercial aircraft program are separately identifiable from the rest of the workforce at the subject facility, and that there have been significant declines in employment within the 717 program.

A company official was contacted in regards to these allegations. The company official confirmed that the workers of the 717 commercial aircraft program are separately identifiable from the rest of the workforce at the subject facility, and provided employment figures for the 717 commercial aircraft program at the subject facility for end of year 2002, end of year 2003, and mid-December 2004.

Employment figures for the 717 commercial aircraft program at the subject facility showed an increase in employment from 2002 to 2003. Furthermore, although there was a slight employment decline within the 717 program at the subject facility from 2003 to December 2004, the subject division 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. Significant number or proportion of the workers means that total or partial separations, or both, in a firm or appropriate subdivision thereof, are the equivalent to a total unemployment of five percent (5 percent) of the workers or 50 workers, whichever is less. Separations by the subject facility, and by the 717 commercial aircraft division within the subject facility, did not meet this threshold level.

The petitioner also provided information showing employment declines within the Boeing commercial aircraft program nationwide and in California, but not specifically at the subject facility. When assessing eligibility for TAA, the Department