with all applicable CAA requirements, and pay a civil penalty of $1.4 million, to be split between the United States and the State of Arizona.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and State of Arizona* v. *Phelps Dodge Sierrita, Inc.,* D.J. Ref. 90–5–2–1–06548.

The consent decree may be examined at the Office of the United States Attorney, 405 West Congress Street, Suite 4800, Tucson, Arizona, and at U.S. EPA Region 9, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, California. During the public comment period, the consent decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/open.html.* A copy of the consent decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.75 (text only) or $40.50 (including appendices) (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ellen M. Mahan,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04–14889 Filed 6–30–04; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Modification Under the Clean Air Act

In accordance with United States Department of Justice policy, 28 CFR 50.7, notice is hereby given that on June 21, 2004, a proposed Consent Decree Modification (''Modification'') in *United States* v. *Puerto Rico Electric Power Authority* (PREPA), Civil Action No. 93–2527, we lodged with the United States District Court for the District of Puerto Rico.

The Modification resolves two Clean Air Act disputes under an existing Consent Decree with PREPA, entered by Judge Carmen C. Cerezo in March, 1999. PREPA owns and operates four electric generating plants (South Coast, Aguirre, San Juan and Palo Seco). The first dispute involves PREPA contesting EPA's interpretation of an EPA technical method (Method 9) and EPA's resulting conclusions that PREPA is not correctly applying Method 9 to observe and record the opacity of the plumes emanating from its smoke stacks, and PREPA did not correctly establish the Optimal Operating Ranges for minimizing the opacity of the emissions discharging from those smoke stacks. The second dispute involves PREPA contesting EPA's determination that a number of opacity violations recorded by PREPA's in-stack opacity monitors constitute ''recurring, egregious, or persistent violations'' of the opacity standard, as those terms are used in the Consent Decree.

Among other provisions, the Modification provides that PREPA shall: adhere to and not contest EPA's interpretation of Method 9; switch to using a fuel oil with a lower sulfur content; implement NO_X reduction measures; use diesel fuel for cold start up of its boilers; pay a penalty of $300,000; and pay $200,000 to further fund Additional Environmental Projects identified in the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to United States v. Puerto Rico Electric Power Authority, D.J. Ref. 90–5–2–1–1750/2.

The Modification may be examined at the Office of the United States Attorney, Federico Degeteau Federal Building, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918; the Region II Caribbean Environmental Protection Division, Centro Europa Building, 1492 Ponce de Leon Avenue, Suite 417, Santurce, Puerto Rico 00907 and at the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866. During the public comment period, the Modification may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Modification may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood *tonia.fleetwood@usdoj.gov*, fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald G. Gluck,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04–14886 Filed 6–30–04; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,766]

American Suessen Corporation, Charlotte, NC; 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 for further investigation in *Former Employees of American Suessen Corporation* v. *U.S. Secretary of Labor,* Court No. 03–00803.

The Department's initial negative determination for the former workers of American Suessen Corporation, Charlotte, North Carolina, a subsidiary of Spindelfabrik Suessen, Suessen, Germany (hereafter ''American Suessen'') for Trade Adjustment Assistance (''TAA'') was issued on September 25, 2003. The Notice of determination was published in the **Federal Register** on November 6, 2003 (68 FR 62832). The determination was based on the findings that workers only serviced textile machinery parts and did not produce an article within the meaning of section 222(c)(3) of the Trade Act of 1974.

In a letter dated November 9, 2003, the Petitioner requested reconsideration of the Department's denial of certification. The Petitioner alleged that American Suessen produced modernization products through 2001 when the company returned to a component parts business. The Department denied the Petitioner's request for reconsideration on December 2, 2003 stating that the Department was unable to consider production that occurred in 2001 because it was outside the relevant one-year time period, August 28, 2002 to August 28, 2003. The Department also informed the Petitioner that reworking component parts of customer equipment did not qualify as production of an article under the Trade Act.

On December 18, 2003, the Department issued a Dismissal of Application for Reconsideration that was published in the **Federal Register** on December 29, 2003 (68 FR 74972).

The Petitioner appealed the Department's denial of his request for reconsideration to the USCIT on November 4, 2003 asserting that ''[a]lthough [American Suessen] was originally established as a sales and service subsidiary of [its] parent company, [American Suessen] did engage in the production of products to more cost effectively serve a declining textile industry * * *.'' The Department filed a motion requesting that the Court remand the case for further investigation, and the Court granted the motion.

On remand, the Department conducted an investigation to determine whether the subject worker group is eligible for certification for worker adjustment assistance benefits. The remand investigation consisted of requesting additional information from the company regarding the functions of the subject worker group, contacting members of the subject worker group, and surveying the customers that the Petitioner alleged had increased their imports of re-tooled machines and parts.

To better understand the nature of American Suessen's activities, the Department requested information from American Suessen in a letter dated February 4, 2004. From American Suessen's response to this letter and through discussions with company officials, the Department discovered that American Suessen distributes machinery and parts designed and manufactured by its parent corporation, Spindelfabrik Suessen, in Germany. American Suessen operates as a showroom/retail store for machinery and parts and as a service shop. When repairing machines, American Suessen workers disassemble, reassemble, and test machinery parts to determine the cause/scope of the machine malfunction or to ascertain if the part has been repaired successfully.

Because the Petitioner specifically mentioned GVA machines in a submission, the Department sought clarification from the subject company on that matter. In response to the Department's inquiry, a company official informed the Department that the GVA machines were manufactured in Germany and put into operation by American Suessen. The official also wrote that during the 1980s and 1990s, the company modified parts on the GVA machines. This was done as needed. However, the official also stated that no production had occurred at American Suessen's Charlotte, North Carolina Facility since 1998 and that refurbishing operations had ceased in 2001.

The Department also requested information from the former workers of American Suessen. Two workers sent a letter stating that American Suessen had the capability to produce products and machine components between August 2002 and August 2003. These two workers also wrote that American Suessen ''re-work[ed]/refurbish[ed]/modif[ied] rotor spinning parts and component parts.'' In a telephone call, one of these former workers explained this process. Customers sent broken textile machine parts to American Suessen, and then the workers cleaned, repaired, and returned the part to the customer. The former worker also explained that the customer was charged for labor and replacement parts but was not buying a new product; that no production took place on the premises; and that the subject facility was a parts warehouse, showroom, sales, and repair shop. Finally, the former worker stated that because customers wanted newer machines and did not want to repair the older machines, the repair work disappeared, thereby causing the workers to lose their jobs.

Another former worker stated that the workers ''remanufacture'' machinery and parts and that the ''re-manufactured'' items constitute an article. This former worker also communicated that customers sent malfunctioning machines and broken parts to the subject facility for repair. The machines were fixed, the broken parts were replaced, and then the parts were returned to the customer. According to this worker, the repaired machines were not resold, and the facility operated primarily as a repair service shop.

Finally, the Department contacted several customers identified by the Petitioner. The customers stated that they viewed the machines at American Suessen's showroom and placed purchase orders for machinery and parts with American Suessen. The purchase order included shipping the machines and parts from Germany, assembly of the machinery at the customer's facility, and installation of the machines per customer's instructions.

The customers also had service contracts with the subject company. If a customer's machine needed to be repaired or a part needed to be replaced, an employee from American Suessen would work on-site to satisfy the terms of the service contract. At times, workers disassembled part of the machinery and take the problem part(s) back to American Suessen for extensive repair work. The repair work could include replacing a broken component with a new one, per the terms of the service agreement. The fixed part would then be returned and installed into the customer's machinery by the American Suessen worker.

The TAA program helps primarily trade-affected workers who have lost their jobs as a result of increased imports or shifts in production abroad to specific countries. Workers employed by a company that is a supplier or downstream producer to a trade-affected company may also qualify for TAA assistance as secondarily trade-affected workers. The former workers of American Suessen do not quality for TAA assistance as primarily or secondarily trade-affected workers.

First, the subject facility did not produce an article within the relevant time period, August 28, 2002 to August 28, 2003. No production has occurred at the company since 2001.

Second, although the former workers assert that American Suessen re-works, refurbishes, and modifies component parts, these processes, as described by the former workers, company officials, and customers, do not qualify as production under the Trade Act because they do not result in a new article. The workers are simply repairing an old article that is used for the same purpose before and after the repair process. Accordingly, these activities fall into the category of service rather than production. The Department has consistently considered repair work as service and not production because the nature and purpose of the serviced goods are the same at the end of the repair process as at the beginning of the repair process.

Finally, the former workers of American Suessen do not qualify as secondarily trade-affected workers. To be certified as a secondarily trade-affected worker, per the Trade Act, a worker must be employed by a company that produces or supplies ''component parts for articles that were the basis for a certification of eligibility'' of a group of primarily trade-affected workers. 19 U.S.C. § 2272(c)(4). American Suessen's customers produce textiles. Because American Suessen supplies its customers with machinery and parts, which are not components of textiles, the former workers of America Suessen do not qualify as secondarily trade-affected workers.

For the reasons stated above, as well as the intent and historical application of the TAA program, the Department has determined that the subject worker group is not engaged in activity

primarily or secondarily related to the production of an article within the meaning of section 222 of the Trade Act of 1974.

Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for TAA for workers and former workers of American Suessen Corporation, Charlotte, North Carolina.

Signed at Washington, DC this 10th day of June 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–14919 Filed 6–30–04; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,766]

American Suessen Corp., Charlotte, NC; Dismissal of Application for Reconsideration; Correction

This notice corrects the notice of dismissal of application for reconsideration applicable to TA–W–52,766 which was published in the **Federal Register** on December 29, 2003 (68 FR 74972) in FR Document 03–31859.

This revises the dismissal letter (date) on the last line in the first column on page 74972. On the last line, in the first column, the dismissal letter (date) should read December 2, 2003.

Signed at Washington, DC, this 25th day of June, 2004.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 04–14926 Filed 6–30–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–54,484]

Cady Industries, Inc., Pearson, GA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Cady Industries, Inc., Pearson, Georgia. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–54,484; Cady Industries, Inc., Pearson, Georgia (June 24, 2004)

Signed at Washington, DC, this 25th day of June, 2004.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 04–14923 Filed 6–30–04; 8:45 am]

BILLING CODE 4510–30–P

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 July 12, 2004.

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 July 12, 2004.

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 in Washington, DC this 25th day of June 2004.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted Between 06/14/2004 and 06/18/2004]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
55,070	Franklin Templeton Instruments (NPS)	Ft. Lauderdale, FL	06/14/2004	06/14/2004
55,071	Wellington Point, LLC (Comp)	Salt Lake City, UT	06/14/2004	06/11/2004
55,072	Jaymar-Rudy, Inc. d/b/a Trans-Apparel (Wkrs)	Michigan City, IN	06/14/2004	06/10/2004
55,073	R/D Tech (Comp)	Madison, PA	06/14/2004	06/02/2004
55,074	Dana Corporation (Wkrs)	El Paso, TX	06/15/2004	05/25/2004
55,075	Quitman Manufacturing Co. (Comp)	New York City, NY	06/15/2004	06/06/2004
55,076	Inflation Systems, Inc. (Comp)	LaGrange, GA	06/15/2004	06/14/2004
55,077	SMS Demag/PRO–ECO Ltd. (Wkrs)	Mentor, OH	06/15/2004	06/14/2004
55,078	N.E.W. Plastics Corp. (Comp)	Coleman, WI	06/15/2004	06/14/2004
55,079	OSRAM Sylvania (Wkrs)	Wincheser, KY	06/15/2004	06/14/2004
55,080	Vesuvius McDanel (Wkrs)	Beaver Falls, PA	06/15/2004	06/14/2004
55,081	National Distribution Center (Comp)	Lexington, KY	06/15/2004	05/18/2004
55,082	Chieftain Products Plant II (Wkrs)	Owosso, MI	06/15/2004	06/14/2004