

comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.
Issued: December 23, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-28588 Filed 12-29-04; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Office of the Solicitor; Agency Information Collection Activities: Proposed Collection; Comment Request; Equal Access to Justice Act

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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. See 44 U.S.C. 3506(c)(2)(A). The 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 understood clearly, and the impact of the collection requirements on respondents can be assessed properly. Currently the Office of the Solicitor is soliciting comments concerning the proposed extension of the information collection required in applications to obtain awards in administrative proceedings subject to the Equal Access to Justice Act.

DATES: Written comments must be submitted by February 28, 2005.

ADDRESSES: Comments are to be submitted to the Department of Labor, Office of Solicitor, Attn: April Nelson, 200 Constitution Avenue, NW., (Room N-2428), Washington, DC 20210. Written comments limited to 10 pages or fewer may be transmitted by facsimile to (202) 693-5539.

FOR FURTHER INFORMATION CONTACT: Contact April Nelson, Office of Solicitor, telephone (202) 693-5782. Copies of the referenced information collection request are available in room N-1301, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The collection request and applicable supporting documentation may be obtained by contacting Darrin King by telephone at (202) 693-4129 or by e-mail at king.darrin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Equal Access to Justice Act (EAJA) provides for the award of fees and expenses, under certain circumstances, to parties involved in adversary adjudications with the United States. 5 U.S.C. 504. The statute, at 5 U.S.C. 504(a)(2), requires that a party seeking an award of fees and expenses in a covered proceeding must submit to the agency "an application which shows that the party is the prevailing party and is eligible to receive an award" under EAJA.

The Department of Labor's regulations at 29 CFR Part 16 implement EAJA, and 29 CFR 16.201 sets forth the required elements of an EAJA award application. Under this regulation, EAJA award applications must include information regarding the following: The identity of the applicant, the proceeding for which an award is sought, the fact that the applicant has prevailed, the agency position alleged not to be substantially justified, the number of employees of the applicant at the time the proceeding was instituted (if the applicant is other than an individual), the type and purpose of the applicant's organization or business (if applicable), net worth and/or other designated information,

and amounts requested. Certain certifications, affidavits and other documents also are required. See 29 CFR 16.201-16.204 for a complete description of information required from applicants.

II. Desired Focus of Comments

The Department of Labor is interested in comments particularly in order to:

- 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 submission of responses.

III. Current Action

This notice requests an extension of the current Office of Management and Budget (OMB) approval of the paperwork requirements for the contents of applications for an award under the Equal Access to Justice Act.

Type of Review: Extension of a currently approved collection of information.

Agency: Office of the Solicitor.

Title: Equal Access to Justice Act.

OMB Number: 1225-0013.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal government; State, local or tribal government.

Number of Respondents: 10.

Frequency: On occasion.

Total Responses: 10.

Average Time per Response: 5 hours.

Estimated Total Burden Hours: 50 hours.

Total annualized capital/startup costs: \$0.

Total Annualized costs (operation and maintenance): \$0.

Comments submitted in response to this notice will be summarized and may be included in the request for OMB approval of the final information collection request. The comments will become a matter of public record.

Signed at Washington, DC, this 23rd day of December, 2004.

Robert A. Shapiro,

Associate Solicitor for Legislation and Legal Counsel.

[FR Doc. 04-28620 Filed 12-29-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,427]

Alexvale/Kincaid Furniture, a Subsidiary of La-Z-Boy, Administrative Offices, Taylorsville, NC; Notice of Revised Determination on Reopening

On November 9, 2004, the Department, on its own motion, reopened its investigation for the former workers of the subject facility.

The initial investigation for workers of Kincaid Furniture, Taylorsville, North Carolina resulted in a negative determination issued on September 8, 2004 and published in the **Federal Register** on September 23, 2004 (69 FR 57093). The petition was denied because criterion (1) was not met. The investigation revealed no decline in employment during the relevant time period.

By application of September 23, 2004, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject facility to apply for Trade Adjustment Assistance (TAA).

On October 27, 2004, the Department issued a Negative Determination Regarding Application for Reconsideration applicable to workers and former workers of the subject facility on the grounds that the application did not contain any new substantial information that would bear importantly on the Department's determination denying certification because the subject facility did not have a "significant number or proportion" of workers who were separated or threatened with separation to meet the requirement of Section 222(a)(1) of the Trade Act of 1974, as amended. The Notice of the determination was published in the **Federal Register** on November 5, 2004 (69 FR 64592).

Upon further consultation with the petitioner, new information revealed the petitioner intended to apply on behalf of the Administrative Offices supporting production at the subject facility, rather than the facility as a whole.

A company official was contacted in regards to the Administrative Offices at

the Taylorsville facility. It was revealed that the workers of the Administrative Offices are separately identifiable from the rest of the workers at the subject facility, and there were significant declines in employment within the Administrative Offices between December 2003 and August 2004.

Furthermore, the Administrative Offices of the subject facility provide accounting, human resources, IT, purchasing, and general clerical support of the production which occurs at the subject facility. Furthermore, production of upholstered furniture at the subject facility declined during the period of January through August 2004, when compared to the same period in 2003. Company imports of upholstered furniture increased during the same period.

It was further revealed that the subject facility was originally a privately owned company known as Alexvale Furniture. The subject facility was purchased by La-Z-Boy, and is now managed by Kincaid Furniture (also a subsidiary of La-Z-Boy). Although the subject facility is now often referred to as a Kincaid facility, the company is registered in the State of North Carolina as Alexvale Furniture, and has a separate employer identification number.

In accordance with Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the subject division are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reopening, I determine that increases of imports of articles like or directly competitive with upholstered furniture produced by Alexvale/Kincaid Furniture, a subsidiary of La-Z-Boy, Taylorsville, North Carolina, contributed importantly to the total or partial separation of workers from the Administrative Offices of that facility. In accordance with the provisions of the Act, I make the following certification:

"All workers of Alexvale/Kincaid Furniture, a subsidiary of La-Z-Boy, Administrative Offices, Taylorsville, North Carolina, who became totally or partially separated from employment on or after August 11, 2003 through two years from the date of certification are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

Signed in Washington, DC, this 29th day of November 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-28568 Filed 12-29-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,030]

Arista Beaver Brook Circuits, Bethel, CT, Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 17, 2004 in response to a petition filed on behalf of workers of Arista Beaver Brook Circuits, Bethel, Connecticut.

All but two workers were separated from the subject firm more than one year before the date of the petition. Section 223(b) of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition.

The remaining two workers were separated in December 2003, and did not represent 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 at least three workers in a firm with a workforce of fewer than 50 workers would have to be affected. Separations by the subject firm did not meet this threshold level in the relevant time period. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 30th day of November 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-28572 Filed 12-29-04; 8:45 am]

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