DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,487; TA–W–33,487A; TA–W–33,487B; TA–W–33,487C; NAFTA 01649; NAFTA 01649A; NAFTA 01649B; NAFTA 01649C]

Medite Corporation; Corporate Office, Medford Oregon; MDF Plant, Medford, Oregon; Veneer Division, Rogue River, Oregon; Forestry Division, Medford, Oregon; and Corporate Office, Medford Oregon; MDF Plant, Medford Oregon; Veneer Division, Rogue River, Oregon; Forestry Division, Medford, Oregon; Notice of Negative Determination on Reconsideration

On September 22, 1997, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The petitioner presented new evidence that the collection of information regarding company sales and imports was incomplete for the time period relevant to the investigation. The notice was published in the **Federal Register** on September 30, 1997 (62 FR 51156).

The Department initially denied TAA to workers of Medite Corporation because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The workers at the subject firm were engaged in employment related to the production of lumber products.

On reconsideration, the Department requested that Medite Corporation provide additional customers for the various Medite facilities included in the petition. A survey of the major customers of Medite Corporation revealed that imports did not contribute importantly to the worker separations. All but one of the customers survey revealed that they are still purchasing domestic lumber products. The one customer that indicated some product was being produced outside the U.S. had declining imports during the relevant time period.

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 Medite Corporation in Medford and Rogue River, Oregon.

Signed at Washington, DC, this 24th day of December 1997.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–1476 Filed 1–21–98; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,829 AND NAFTA–01932]

Trans World Airlines Kansas City Overhaul Base, Kansas City, Missouri; Notice of Negative Determination Regarding Application for Reconsideration

By application of December 5, 1997, the International Association of Machinists and Aerospace Workers (IAMAW) requested administrative reconsideration of the Department's negative determination regarding worker eligibility to apply for Trade Adjustment Assistance (TAA) and NAFTA-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm.

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 TAA and NAFTA–TAA petitions, filed on behalf of workers who repaired and overhauled aircraft and aircraft parts, were denied on September 30, 1997, on the basis that the workers did not produce an ''article'' within the meaning of Section 222(3) and Section 250(a) of the Trade Act of 1974, as amended, but rather performed services.

In support of their application for reconsideration, the IAMAW contended that ''[t]he overhauling process [performed by the petitioning workers on aircraft] takes what had become worthless parts and/or assemblies [and] remanufactures and transforms them into unique and marketable products,'' enabling aircraft or their parts to satisfy Federal Aviation Administration airworthiness requirements.

This contention is insufficient to support the granting of reconsideration. *Pemberton* v. *Marshall,* 639 F.2d 798 (D.C. Cir. 1981) found a similar contention insufficient to support certification. In that case, the workers alleged that their repair and overhaul of ships constituted a ''remanufacturing'' of an ''article.'' The Court reasoned that ''[e]ven if the repair necessitates the use of new materials, it cannot be said to be the creation of a new ship * * * the same item was also the end product.'' *Id.* at F.2d 800. Similarly here, although the petitioners contend that their employment conferred ''new life'' on aircraft and aircraft parts, no ''new and different article'' was created. *Nagy* v. *Donovan,* 571 F.Supp. 1261, 1265 (Ct. Int'l. Trade 1983). Rather, ''[t]here was no transformation, but a mere refurbishing of what already existed'' (*Pemberton,* at F.2d 800), permitting old aircraft and aircraft parts to meet airworthiness requirements.

Thus, the application for reconsideration does not alter the conclusion that the workers did not create new articles, but rather serviced existing ones by overhauling and repairing aircraft and aircraft parts. Accordingly, the petitioners' contention is insufficient to support reconsideration.

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 decisions. Accordingly, the application is denied.

Signed at Washington, D.C. this 5th day of January 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–1472 Filed 1–21–98; 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 Acting Director of the Office of Trade Adjustment Assistance,