

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,

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 of 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 Acting Director, Office of Trade Adjustment Assistance, at the address show below, not later than February 2, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address

shown below, not later than February 2, 1998.

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

Signed at Washington, DC this 29th day of December, 1997.

Grant D. Beale,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted on 12/29/97]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,119	American Trouser, Inc (Comp)	Houston, MS	12/15/97	Men's Dress and Casual Slacks.
34,120	Alcoa Fujikura EMP (Wrks)	Owosso, MI	12/11/97	Windshield Wiper Components.
34,121	C.R. Bard, Inc (Comp)	Billerica, MA	12/12/97	Diagnostic Catheters.
34,122	Diversified Plastics, Inc (Wrks)	Elk Grove Vill., IL	12/10/97	Picture Frames.
34,123	General Electric Co (IUE)	Rome, GA	12/15/97	Transformers—Medium & Sub-Station.
34,124	Wilson Sporting Goods Co (Wrks)	Chicago, IL	12/07/97	Sport Shoes.

[FR Doc. 98-1481 Filed 1-21-98; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-33,966]

Cason Manufacturing Company Stephenville, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 24, 1997, applicable to all workers of Cason Manufacturing Company, Stephenville, Texas. The notice was published in the **Federal Register** on December 10, 1997 (62 FR 65100).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that the Department incorrectly limited the certification to "all workers engaged in employment related to the production of women's pants and skirts." The intent of the Department's certification is to include "all workers" of Cason Manufacturing Company, Stephenville, Texas adversely affected by increased imports.

The Department is amending the certification determination to correctly identify the worker group to read "all workers."

The amended notice applicable to TA-W-33,966 is hereby issued as follows:

All workers at Cason Manufacturing Company, Stephenville, Texas who became totally or partially separated from employment on or after October 24, 1996 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 11th day of January 1998.

Grant D. Beale,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-1468 Filed 1-21-98; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-33,767; TA-W-33,767G; TA-W-33,767H]

Fruit of the Loom; Martin Mills, Inc. D/ B/A St. Martinville Mills; Including Former Employees of Jeanerette Mills St. Martinville, Louisiana; Jackson Distribution Center; Division of Sherman Warehouse Corporation Jackson, Mississippi; Wadesboro Warehouse; Division of Martin Mills, Incorporated Wadesboro, North Carolina; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on August 29, 1997, applicable to workers of Fruit of the Loom, Martin Mills, Inc., located in St. Martinville, Louisiana. The notice was published in the **Federal Register** on September 30, 1997 (62 FR 51152). The certification was amended on September 14, 1997 and again on December 1, 1997, to include Martin Mills, Incorporated in St. Martinville, Louisiana is doing business as St. Martinville Mills, and to cover the workers of the subject firm whose wages were reported under the separate Unemployment Insurance tax account