DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,202 Eveleth, MN and TA–W–36,202A Forbes, MN]

Thunderbird Mining; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of June 25, 1999, the United Steelworkers of America, Local Union 6860, requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance applicable to workers of the subject firm. On July 26, 1999, the Department dismissed the application because no evidence was presented that the Department erred in its findings. The notice will soon be published in the **Federal Register**.

New information has been provided to the Department regarding possible customer import purchases of articles considered to be like or directly competitive with the taconite pellets produced by workers at the subject firm.

Conclusion

After careful review of the new information, I conclude that the claim is of sufficient weight to justify reopening the petition investigation and reconsider the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC this 11th day of August 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–22601 Filed 8–27–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,864 and TA–W–35,864A]

The Timken Company, Canton, Ohio; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of July 30, 1999, the petitioners requested administrative reconsideration of the Department of Labor's Notices of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, petition TA–W–35,864 and TA–W–35,864A. The denial notices were signed on June 7, 1999 and published in the **Federal Register** on June 30, 1999 (64 FR 35183).

The Department has reviewed the request for reconsideration and has determined that a survey of additional customers of the subject firm would be appropriate.

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 at Washington, DC, this 17th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–22596 Filed 8–30–99; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,376]

Trim Master, Inc.; Rancho Cucamonga, California; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 14, 1999, in response to a petition filed by a company official on behalf of workers at Trim Master, Inc., Rancho Cucamonga, California.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 6th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–22581 Filed 8–30–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,560]

Viskase Corporation, Chicago, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 19, 1999 in response to a worker petition which was filed June 12, 1999 on behalf of workers at Viskase Corporation, Chicago, Illinois.

The petitioning group of workers are covered under a recent negative Trade Adjustment Assistance determination (TA–W–35,071). No new information was included in this most recent petition. Consequently, further investigation in this case would service no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 2nd day of August 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–22593 Filed 8–30–99; 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 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 data 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, Office of Trade Adjustment Assistance, at the address shown below, not later than August 10, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 10, 1999.

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

Signed at Washington, D.C. this 2nd day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

APPENDIX

PETITIONS INSTITUTED ON 08/02/1999

Subject firm (petitioners)	TA–W	Location	Date of petition	Product(s)
Weldon Machine Tool (Wkrs)	36,610	York, PA	07/09/1999	Original Auto Equipment.
Parker Aerospace (UAW)	36,611	Kalamazoo, MI	07/19/1999	Flight Controls Systems.
Buffalo Color Corp (Co.)	36,612	Buffalo, NY	07/20/1999	Ingigo Liquid Paste and Powder.
Lincoln Industrial (IAMAW)	36,613	St. Louis, MO	07/20/1999	Grease Fittings, Spindle Screw Machines.
IBM Corp. (Wkrs)	36,614	San Jose, CA	07/19/1999	Hard Disk Drives.
Lynn Fashion (UNITE)	36,615	Hoboken, NJ	07/20/1999	Ladies' Coats.
Investext Group (The) (Wkrs)	36,616	Boston, MA	07/20/1999	Financial Service Industry.
Lee Textiles Corp (Wrks)	36,617	Ewing, VA	07/15/1999	Tee Shirt (Knit).
Jewelry Fashions, Inc (Wkrs)	36,618	New York, NY	07/19/1999	Costume Jewelry.
Hillin Simon Prime Explor (Co.)	36,619	Midland, TX	07/01/1999	Oil and Gas.
Corcom (Co.)	36,620	El Paso, TX	07/14/1999	Radio Frequency Filters.
Dart Energy Corp (Co.)	36,621	Mason, MI	07/20/1999	Drill Oil and Gas.
Dawson Geophysical Co. (Co.)	36,622	Midland, TX	07/19/1999	Seismic Data.
Interplast Universal (Wkrs)	36,623	Lodi, NJ	07/19/1999	Vinly—Car Seats.
AMI–DDC (IBEW)	36,624	Cedar Knolls, NJ	07/20/1999	Rivets.
Phelps Dodge Refining (Co.)	36,625	El Paso, TX	07/22/1999	Copper Refining.
Black Diamond Sportswear (Co.)	36,626	Barre, VT	07/19/1999	Men, Ladies and Children's Sportswear.
American National Can (Wkrs)	36,627	Longview, TX	07/15/1999	Aluminum Cans.
Paramount Headwear (Wkrs)	36,628	Bourbon, MO	06/25/1999	Caps, Hats and Strawhats.
ASARCO, Inc (Co.)	36,629	Sahuarita, AZ	07/14/1999	Copper Concentrate.
Tower Automotive (Wkrs)	36,630	Rockford, IL	07/23/1999	Frames for GM Trucks and SUV's.
Rexam Release (Wkrs)	36,631	Beford Park, IL	07/17/1999	Release Liners.
Dailey International (Wkrs)	36,632	Conroe, TX	07/23/1999	Oilfield Drilling Jars.
Levi Strauss and Co (Comp)	36,633A	Harlingen, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633B	El Paso, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633C	McAllen, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633D	Johnson City, TN	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633E	Mountain C. Plt. N	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633F	Warsaw, VA	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633G	Valdosta, GA	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633H	El Paso, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633I	Brownsville, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633J	San Benito, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633K	San Antonio, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633L	San Antonio, TX	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633M	Powell, TN	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633N	San Francisco, CA	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633O	Blue Ridge, GA	07/26/1999	Denim and Docker Apparel.
Levi Strauss and Co (Comp)	36,633	El Paso, TX	07/26/1999	Denim and Docker Apparel.
Hirsch Speidel, Inc (Co.)	36,634	Providence, RI	07/22/1999	Watch Bands and ID Bracelets.
AMP, Inc., Pike Plant (Wkrs)	36,635	Carlisle, PA	07/07/1999	Stamp Electrical & Electronic Connectors.
Southwestern Cutting (Wkrs)	36,636	El Paso, TX	07/21/1999	Cloth Cutting.
Motorola Cellular (Wkrs)	36,637	Libertyville, IL	07/19/1999	Digital Cellular Phones.
Pabst Engineering (Wkrs)	36,638	Onalaska, WI	07/21/1999	Custom Tooling and Fixtures.
American International (Wkrs)	36,639	Oscoda, MI	07/22/1999	Aircraft Maintenance.
Huck Jacobson (Co.)	36,640	Kenilworth, NJ	07/19/1999	Electrical Fittings—Couplings.
Chatha Enterprise (Wkrs)	36,641	De Lisle, MS	07/19/1999	Wire Harnesses.
General Instrument Corp (Wrks)	36,642	Horsham, PA	07/21/1999	Cable TV Amplifiers.
Walker McDonald (Wkrs)	36,643	Greenville, TX	07/21/1999	Tri-Cone Roller Bits.
G.H. Bass & Co. (Co.)	36,644	S. Portland, ME	07/14/1999	Men's, Ladies' and Children's Footwear.
Jet Composites (Co.)	36,645	Bluffton, IN	07/23/1999	Fiberglass Insulators.
J and R Consulting Serv. (Co.)	36,646	Tioga, ND	07/19/1999	Oil and Gas.
Cluett Peabody & Co (Comp)	36,647	Atlanta, GA	07/27/1999	Men's Dress Shirts.

[FR Doc. 99–22585 Filed 8–30–99; 8:45 am]
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DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—01994]

Champion Aviation Products, Weatherly, PA; Notice of Negative Determination on Remand

On June 4, 1999, the United States Court of International Trade remanded this matter to the Secretary of Labor for further investigation in *Former Employees of Champion Aviation Products* v. *Secretary of Labor,* No. 98–02–00299 (Ct. Int'l Trade 1999).

The Department's initial negative determination of eligibility to apply for NAFTA Transitional Adjustment Assistance (''NAFTA–TAA'') for the workers and former workers of Champion Aviation Products, Weatherly, Pennsylvania was issued on December 11, 1997 and published in the **Federal Register** on January 6, 1998, *see* 63 FR 577 (1998). The denial was based on the finding that criteria (3) and (4) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, 19 U.S.C. 2231(a)(1)(A)(iii) and (B), were not met: i.e., there were no increases in imports from Mexico or Canada of articles like or directly competitive with articles produced by the workers' firm or appropriate subdivision that contributed importantly to the workers' separations; and there was no shift in production of such articles from the workers' firm or subdivision to Mexico or Canada. *See* Administrative Record (''AR'') 58–60.

The petitioners' request for reconsideration resulted in a negative determination, which was issued on January 27, 1998 and published in the **Federal Register** on February 6, 1998, *see* 63 FR 6208 (1998). The Department's determination reaffirmed its finding that imports did not contribute importantly to the workers' separations and that the workers' firm did not shift production of aircraft displays or power supplies to Mexico or Canada. AR 63–66.

On remand, the court ordered the Department to make additional findings (1) determining the appropriate subdivision in light of the intent of NAFTA–TAA and accounting for the possibility that a two-step shift in production may have occurred; (2) providing a more detailed explanation of whether the articles produced at the Pennsylvania facility are like or directly competitive with the articles produced in Mexico; and (3) describing the types and amount of equipment that moved to Mexico from Pennsylvania. *Champion Aviation,* No. 98–02–00299, slip op. at 10. In addition, the court suggested that the Department develop a methodology that does not rely on product lines alone to determine what constitutes the appropriate subdivision in a ''shift in production'' case. *Id.* at 7.

The court further suggested that the Department.

1. Describe the parent company's (Cooper Industries) organizational structure and the Weatherly's plant's position within it; *id.* at 8;

2. Interview other sources besides the former Weatherly plant manager, *id.* at 9; and

3. Provide evidence that it did not base its denial of the plaintiffs' two-step shift-in-production argument on the sole ground that the workers at the Sparta, Tennessee facility did not apply for adjustment assistance, *ibid.*

The Department contacted the successor parent firm of Champion Aviation—Federal Mogul Corporation—to obtain the additional information required by the Court.

New Methodology

At the outset, the Department respectfully disagrees with the court that a new methodology for determining the appropriate subdivision in a shift-in-production case is either apposite or warranted by the statute or its legislative history. It is well settled under the Trade Adjustment Assistance provision for group eligibility of the Trade Act, 19 U.S.C. 2271(a), that the ''determination of what constitutes an appropriate subdivision must be made along product lines.'' *See Kelley* v. *Secretary, United States Dep't of Labor,* 626 F Supp. 398, 402 (Ct. Int'l Trade 1985). The Department's use of the same methodology for determining what an appropriate subdivision is under the NAFTA–TAA increased-import criterion for group eligibility, 19 U.S.C. 2332(a)(1)(A), is not in dispute. The court's broader interpretation of the same ''firm or appropriate subdivision'' language in the NAFTA–TAA ''shift in production'' criterion for group eligibility, 19 U.S.C.(a)(1)(B), seems to rest on its inference that because Congress intended to expand coverage of workers in NAFTA–TAA by adding that criterion, it must also have intended to use these terms more expansively in that criterion. We think that Congress achieved the intended expansion by adding the ''shift in production'' criterion, which accounts for over half of the certifications under NAFTA–TAA, and that the Congressional desire to expand the program does not evince an intent to use terms with a well-established judicial meaning in a radically different manner.[1]

Appropriate Subdivision and Like or Directly Competitive Articles

The petition was filed on behalf of workers and former workers who produced aircraft power supplies (power converters) and cockpit displays in the Weatherly, Pennsylvania plant, part of Cooper Automotive's Ignition/Aviation Products Division, *see* Supplemental Administrative Record (''SAR'') 28, 32. Weatherly was the only Cooper facility that made these products before its closure, *see* SAR 36, and it produced only these articles during the period covered by the investigation. The articles were produced from 1994 until the plant closed. The plant had previously manufactured automotive headlamps, but production of these articles was stopped before 1994 and moved to Cooper's Hampton, Virginia facility. *See* SAR 17. Workers who lost their jobs as a result of this transfer of automotive headlamps cannot be certified on the present petition because the transfer was domestic and because any such workers lost their jobs more than a year before the NAFT–TAA petition was filed.[2]

By contrast, the Sparta, Tennessee facility is a part of Cooper's Automotive Lighting Products Division. *See* SAR 29. The Sparta plant produces automotive incandescent miniature lamps, halogen capsules and molds, and assembles some automotive interior lighting fixtures. SAR 18. There were no common or similar products or production processes at the Weatherly and Sparta plants from 1994 through the closure of the Weatherly plant. *See* SAR 4, 18. The aviation display products produced at Weatherly cannot

[1] In this regard is revealing that the court's quotation of the NAFTA–TAA legislative history, *Champion Aviation,* No. 98–02–00299, slip op. at 6 (''[T]he new program is designed to remedy what has been identified as one of the current shortcomings of the current TAA program'') omits the explanatory preceding clause ''By expanding eligibility to include those who lose their jobs as a result of shifts in production to Mexico or Canada, not only as a result of increased imports,'', Senate Proceedings and Debates of the 103rd Congress, First Session, 139 Cong. Rec. S16092–01, S16107 (Nov. 18, 1993). Contrary to the court's interpretation, this passage demonstrates Congress's intent to expand coverage by adding a new criterion but provides no evidence of a Congressional desire to redefine established terms within that new criterion in a way that would further expand coverage.

[2] The petition was received by the Commonwealth of Pennsylvania on October 27, 1998. *See* SAR 35.