

corporation, they produce different products. The two plants are not vertically integrated and therefore the Johnstown workers may not be tied to the Canton TAA certification.

### 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 decision. Accordingly, the application is denied.

Signed at Washington, DC, this 30th day of October 2001.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 01-28981 Filed 11-19-01; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-39,188]

#### **Rhoda Lee, Inc., New York, NY; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated June 12, 2001, the Amalgamated Ladies' Garment Cutters' Union, Local 10, UNITE requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on May 8, 2001, and published in the **Federal Register** on May 23, 2001 (66 FR 28553).

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 petition for the workers of Rhoda Lee, Inc., New York, New York was denied because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended; was not met. The denial was based on evidence indicating that markers the impacted

worker group produced, were only used when the company contracted out work and the company did not import markers during the relevant period.

The petitioner alleges that Rhoda Lee, Inc. replaced domestic production (apparel) with imports, thus the need for markers decreased resulting in the displacement of the worker(s).

The impacted worker(s) of the subject plant producing markers were separately identifiable from other functions performed at the subject firm and therefore is the group of worker(s) which may be considered for TAA eligibility. The company did not import makers and only purchased markers from other domestic sources during the relevant period.

The imports of any other product (apparel) by the company is not relevant to this petition that was filed on behalf of worker(s) producing markers.

### 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 decision. Accordingly, the application is denied.

Signed at Washington, DC this 26th day of October 2001.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 01-28985 Filed 11-19-01; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[NAFTA-05455]

#### **Harris Welco, J.W. Harris Company, Kings Mountain, NC; Notice of Termination of Investigation**

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called (NAFTA-TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on October 22, 2001, in response to a petition filed by a company official on behalf of workers at Harris Welco, J.W. Harris Company, Kings Mountain, North Carolina.

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 at Washington, DC, this 2nd day of November, 2001.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 01-28978 Filed 11-19-01; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### **Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance**

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than November 30, 2001.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than November 30, 2001.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room