

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-39,568]

Alcatel Submarine Networks, Inc., Portland, Oregon; Notice of Negative Determination Regarding Application for Reconsideration

By application of October 2, 2001, the company requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Alcatel Submarine Networks, Inc., Portland, Oregon was issued on August 28, 2001, and was published in the **Federal Register** on September 11, 2001 (66 FR 47241).

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 investigation findings revealed that criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974 was not met. The decision was based on threatened sales decreases at the subject firm being affiliated exclusively to foreign customers and not domestic customers of Alcatel Submarine Networks, Inc., Portland, Oregon. Loss of export sales cannot be used as the basis for certification under the Trade Act of 1974.

The request for reconsideration shows that the company does have domestic customers. The company supplied a list of domestic customers with their request for reconsideration.

The review of data supplied during the initial investigation shows that plant sales, production and employment were relatively stable (upward bias) during the period of the investigation and therefore a survey would not have been conducted.

Based on the information supplied during the initial investigation, it appears that a shift in plant production to a foreign source may have recently occurred, with the possibility of fiber optic cable being imported back to the

United States from an affiliated source. These events are beyond the relevant period of the initial investigation. Therefore, petitioners are encouraged to reapply for TAA if the events, as discussed, occurred since the outcome of the initial decision.

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 4th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02-5573 Filed 3-7-02; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-39,109]

Alcoa, Inc. St. Lawrence Plant Massena, NY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Alcoa, Inc., St. Lawrence Plant, Massena, New York. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-39,109; Alcoa, Inc., St. Lawrence Plant, Massena, New York (February 27, 2002)

Dated: Signed at Washington, DC this 1st day of March, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02-5579 Filed 3-7-02; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-39,453]

The Arnold Engineering Company Ferrite Products Division Sevierville, TN; Notice of Revised Determination on Reconsideration

On January 18, 2002, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on February 5, 2002 (67 FR 5295).

On September 25, 2001 the Department initially denied TAA to workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee producing ceramic hard ferrite magnets because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met.

On reconsideration, the department surveyed additional customers of the subject plant regarding their purchases of ceramic hard ferrite magnets during the relevant period. The survey revealed that major declining customer(s) increased their imports of ceramic hard ferrite magnets, while decreasing their purchases from the subject plant during the relevant period.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with ceramic hard ferrite magnets, contributed importantly to the declines in sales or production and to the total or partial separation of workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee. In accordance with the provisions of the Act, I make the following certification:

All workers of The Arnold Engineering Company, Ferrite Products Division, Sevierville, Tennessee who became totally or partially separated from employed on or after May 30, 2000 through two years of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 11th day of February 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02-5572 Filed 3-7-02; 8:45 am]

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