

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Ericsson, Research Triangle Park (RTP), North Carolina, were engaged in activities related to the research and development of software (embedded software) to be installed in digital cell phones for a firm which sold digital cell phones. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

The petitioner alleges that Ericsson, Research Triangle Park, North Carolina produced digital cell phone software.

Information supplied by the company indicates that the workers at Ericsson, Research Triangle Park, North Carolina were primarily engaged in research, development and sales of mobile telephone equipment. This included the designing of mobile phones and the development of software (activities related to the research, and development of embedded software for digital cell phones). Administrative and support-type personnel were also located at the site performing finance, IT, legal, facilities management and human resource functions. There was no manufacturing performed at the subject facility.

The investigation further revealed that the major contributing factors to the layoffs at the subject plant were related to a decline in the demand for cell phones and a worldwide joint venture agreement between the subject firm and Sony during the relevant period.

The workers at the subject firm do not produce an article within the meaning of Section 222(3) of the Trade Act 1974.

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 9th day of May, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-40,331]

Georgia-Pacific West, Camas, WA; Notice of Negative Determination on Reconsideration

On April 10, 2002, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 2, 2002 (67 FR 22116).

The Department initially denied TAA to workers of Georgia-Pacific West, Camas, Washington because the "contributed importantly" group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The investigation revealed that customers did not increase their import purchases of technical specialty paper during the relevant period. The workers at the subject firm were engaged in employment related to the production of technical specialty paper.

On reconsideration, as requested by the Association of Western Pulp Paper Workers, the Department surveyed additional customers of Georgia Pacific-West regarding their purchases of technical specialty paper for 1999, 2000 and 2001. The survey revealed that none of these customers purchased imports of technical specialty paper during the relevant 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 Georgia-Pacific West, Camas, Washington.

Signed at Washington, DC, this 21st day of May 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-40,695]

Nolato Shieldmate, Inc., Itasca, IL; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 14, 2002, the company 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 February 25, 2002, and published in the **Federal Register** on March 20, 2002 (67 FR 13010).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Nolato Shieldmate, Inc., Itasca, Illinois 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 customers of the subject firm do not import plastic housings for cellular phones. The relocation by a customer of their cell phone production to a foreign site necessitated a reliance on local sources for the phone housings. Complete cellular phones are not like or directly competitive with the phone housings made by the subject firm and cannot be used as a basis for certification.

The petitioner feels that the eligibility criteria have been met based on the fact that the manufacture of cellular phone housing sub-assemblies (plastic housings) has moved to China, even though the cellular telephone housing sub-assemblies are not imported back to the United States. The petitioner further states that product is a component of a cellular phone that is imported back to the United States.

The imports of any other product by the company or customer is not relevant to this petition that was filed on behalf

of worker(s) producing plastic housing for cell phones. The products imported must be "like or directly competitive" with what the subject plant produces to meet the eligibility requirements of section 222(3) of the Trade Act of 1974, as amended.

The petitioner further states that a major customer of the subject firm for whom the subject firm produced plastic housing was certified eligible for TAA and therefore believes the subject plant workers should be certified for TAA.

The certification of a customer is not a basis for TAA certification. The customer would have to demonstrate that a meaningful portion of their imports of products "like or directly competitive" with plastic housing increased significantly during the relevant period, contributing importantly to the layoffs at the subject plant. The customer in this case shifted their production of cell phones to China and relied solely on local sources for their plastic housing requirements. The customer imported the complete cell phones back to the United States. Complete cell phones are not "like or directly competitive" with the phone housing produced by the subject firm and cannot be used as a basis in meeting the group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended.

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 9th day of May, 2002.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

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will further relate, as appropriate, to the determination of the date 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, Division of Trade Adjustment Assistance, at the address shown below, not later than June 21, 2002.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 21, 2002.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 22nd day of April, 2002.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

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 Division 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

APPENDIX

[Petitions Instituted On 04/22/2002]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
41,348	Sappi Fine Paper (Co)	Skowhegan, ME	03/18/2002	Light Coated-Groundwood Free paper.
41,349	Fayette Cotton Mill, Inc (Comp)	Fayette, AL	03/11/2002	Men's Ladies' & Children's Underwear.
41,350	TracTech, Inc. (Wkrs)	Warren, MI	03/07/2002	Differentials—Trucks.
41,351	Quitman Mfg. & Barwick (Co.)	Quitman, GA	03/06/2002	Childrens Fleece & Active Wear.
41,352	Dana Corporation (Wkrs)	Richmond, IN	03/22/2002	Cylinder Liners.
41,353	ITT Industries (Wkrs)	Eden Prairie, MN	03/20/2002	Switches, Controls and Panels.
41,354	Gulfstream Aerospace (Wkrs)	Oklahoma City, OK	03/10/2002	Aircraft subassembly and detailed parts.
41,355	Fourply (Co.)	Grants Pass, OR	03/08/2002	Plywood (4*8 Sheets).
41,356	Aspen Trailer, Inc. (Wkrs)	Litchfield, MN	03/19/2002	Heavy Haul Trailers.
41,357	Stream International (Wkrs)	Beaverton, OR	03/20/2002	Phone Production Work.
41,358	Owens Brigam Medical (Co.)	Morganton, NC	03/26/2002	Medical Respiratory Circuits.
41,359	L. Lawrence Products (Co.)	Huntingdon Vall, PA	03/25/2002	Eyeglass and Hearing Aid Products.
41,360	Kay Fay (UNITE)	Nesqueshoning, PA	03/28/2002	Calvin Klein Stone Washed Jeans.
41,361	Vesuvius USA (Wkrs)	South Webster, OH	04/04/2002	Alumino Silicate Refractories.
41,362	Vesuvius USA (Wkrs)	Bettsville, OH	02/06/2002	Refractories for Line Vessels.
41,363	Regal Beloit (Wkrs)	Mitchell, IN	04/03/2002	Cutting Tools.
41,364	Amloid (Co.)	Saddle Book, NJ	03/14/2002	Toys.
41,365	Germantown USA (Co.)	West Chester, PA	03/21/2002	Dry Blending for Dairy Industries.
41,366	Starkey (Wkrs)	Glencoe, MN	10/19/2002	Hearing Aids.
41,367	Schlumberger Limited (Wkrs)	Sugarland, TX	01/04/2002	Wireline Logging.
41,368	Komtek (USWA)	Worcester, MA	03/28/2002	Casting and Forge Parts.Medical Implants.
41,369	Norton (Wkrs)	Worcester, MA	03/21/2002	Grinding Wheels.
41,370	Boeing North American (Wkrs)	El Pase, TX	03/29/2002	Aircrafts and Components.
41,471	Franklin Brass Mfg. Co (IBT)	Rancho Domingue, CA	03/26/2002	Bathroom Accessories.
41,372	XESystems, Inc. (Wkrs)	East Rochester, NY	03/28/2002	Development, Marketing Printers & Copier.
41,373	Springs Window Fashions (Co.)	Montgomery, PA	04/12/2002	Curtains.