DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–42,136]

The Goodyear Tire & Rubber Company Stow Mold Facility, Akron/Stow Complex, Akron, OH; Notice of Negative Determination Regarding Application for Reconsideration

By application of November 29, 2002, the United Steelworkers of America, Local 2, 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 was signed on October 21, 2002 and published in the **Federal Register** on November 5, 2002 (67 FR 67419).

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 TAA petition, filed on behalf of workers at Goodyear Tire & Rubber Co., Stow Mold Facility, Akron/Stow Complex, Akron, Ohio engaged in the production of tire molds and associated components, 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 union alleges that the Departmental finding that subject firm production was shifted domestically was ''erroneous.'' The union official further states that the North Carolina facility, which was purported to have taken on subject firm production, was ''not capable of doing the work which was performed at the Stow Mold Plant prior to its closure.''

Upon further review and contact with the company, it was revealed that virtually all of the subject firm production did indeed shift to the North Carolina facility, and that it produced competitive products prior to the closure of the Stow facility. The only component that was not shifted to this facility, a tread mold that was inserted into the larger mold, was outsourced by the company to another domestic supplier.

The union also asserts that the company indicated plans to shift production to affiliated company facilities in Luxembourg and Sao Paulo, Brazil. To support this allegation, the request for reconsideration was accompanied by what appears to be a company-produced chart titled ''Reallocation Study''. This chart indicates that subject firm production would shift predominantly to Luxembourg and Sao Paulo, with the North Carolina facility receiving a very small part of the production shifted from the subject firm.

This chart was faxed to the company for their review and comment. Upon review, they stated that it was indeed a reflection of a company document, and that it was put together by the company's Facilities Planning Department. However, the study was based on tire mold production scheduled for 2002, with the premise that the Stow plant would be closed in the beginning of 2002. In fact, the Stow plant did not close until October of 2002, thus the shift did not occur in line with the study that was conducted. As a result, excess capacity existed at the North Carolina facility and was able to absorb all of the subject facility's production.

Finally, the company did affirm that competitive imports were occasionally shipped from their foreign affiliates, but clarified that, in 2002, imports constituted a very small amount of subject plant production.

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 February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–6409 Filed 3–17–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–42,175]

Hilti Inc., New Castle, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application received on December 9, 2002, petitioners 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 Hilti Inc., New Castle, Pennsylvania was signed on November 13, 2002, and published in the **Federal Register** on November 27, 2002 (67 FR 70970).

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 petition was filed on behalf of workers at Hilti Inc., New Castle, Pennsylvania engaged in activities related to repair of machinery and fabrications. 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 the workers do not perform bookkeeping services as addressed in the ''Negative Determination Regarding Eligibility To Apply for Workers Adjustment Assistance''.

A review of the initial investigation indicates that the workers were engaged in activities related to repair of machinery and fabrications. The TAA decision was based on the correct service functions performed by the subject firm. The Department inadvertently referenced ''bookkeeping'' rather than ''repair of machinery and fabrication'' in the decision.

The petitioner also alleges that the petitioning worker group was engaged in production as ''it relates to material movement, welding repair, and other functions related to ingot production and the production of SBQ steel bar''.

Contact with the company revealed that petitioning workers were engaged in fabrication (welding) and repair service of machinery at unaffiliated steel facilities on a contract basis. These functions do not constitute production.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

In conclusion, the workers at the subject firm did not produce an article within the meaning 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 27th day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–6410 Filed 3–17–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,893]

J & J Forging Inc., Monaca, Pennsylvania; Notice of Negative Determination Regarding Application for Reconsideration

By application received on October 21, 2002, a petitioner 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 J & J Forging Inc., Monaca, Pennsylvania was signed on September 11, 2002, and published in the **Federal Register** on September 27, 2002 (67 FR 61160).

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 TAA petition was filed on behalf of workers at J & J Forging Inc., Monaca, Pennsylvania engaged in activities related to processing steel, titanium and copper alloy materials. 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 a nearby (unaffiliated) facility that was certified for TAA benefits produced similar products, and thus believes that workers at J & J Forging Inc. should be certified.

A review of the products produced for this nearby facility revealed that some of the production is similar to that performed at the subject facility. However, the metal processed at the certified facility is owned by the company, whereas the subject firm performs finishing work on metal owned by customers of the subject firm. J & J Forging Inc. does not sell the metal they process and therefore their function is considered a service.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

The petitioner also appears to assert that the results of the events of 9/11 increased the import impact on subject firm workers.

As the work done at the subject facility is not considered production, import impact is not relevant.

In conclusion, the workers at the subject firm did not produce an article within the meaning of section 222(3) of the Trade Act of 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 27th day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–6408 Filed 3–17–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,181]

Motorola Integrated Electronics Systems Sector, Automotive Communication Electronic Systems, Elma, NY; Notice of Negative Determination Regarding Application for Reconsideration

By application of November 12, 2002, 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 was signed on September 25, 2002 and published in the **Federal Register** on October 10, 2002 (67 FR 63159).

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 TAA petition, filed on behalf of workers at Motorola, Integrated Electronics Systems Sector, Automotive Communication Electronic Systems Group, Elma, New York, engaged in the production of automotive electronic modules-printed circuit board products, 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 ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a survey of the subject firm's major customers regarding their purchases of automotive electronic modules-printed circuit board products. The respondents reported no increased imports during periods where they decreased purchases from the subject firm. The subject firm did not import automotive electronic modules-printed circuit board products.

In their initial request for reconsideration (dated November 20, 2002), the company official alleged that ''data provided by our major customer regarding increases of imports is not accurate''.