Code Collections'' support the argument that travel services constitute production. The petitioner further states that ''as you can see, the code and hard data evidence I provided with my petition are synonymous.'' When the petitioner was contacted in regard to what was meant by ''US Code Collections'', she clarified that she meant section 222(3) of the Trade Act of 1974.

Of the several attachments sent with the original petition, the first is a letter written by the petitioner stating why the worker produced a product. The petitioner states that subject firm services required ''skills and tools'' to produce. When contacted for further clarification, the petitioner stated that the complexity of the work involved, including the fact that multiple airline carrier inventories were consulted to produce a single ticket, deserved consideration of the work as production.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance, but rather only whether they produced an article within the meaning of section 222(3) of the Trade Act of 1974.

In the letter attached to the petition, the petitioner also asserts that the tickets produced by the subject firm are ''tangible'' and states that she ''has boxes and files of these very real copies of (travel) contracts''.

The fact that the terms of travel contract services performed by the petitioner are printed on paper does not constitute production of an article within the meaning of section 222(3).

The second attachment appears to be the first page of an e-mail from the ''Chairman of Congressional Travel Industry Caucus'' to Attorney General Ashcroft, with a section circled alleging that ''major carriers'' are engaging in unfair taxation and commission standards regarding U.S. and Canadian travel agents relative to ''foreign'' travel agents.

The information in this attachment has no bearing on the reason for denying the petitioning worker; an article was not produced within the meaning of section 222(3) of the Trade Act.

The third attachment is an untitled single page that appears to be printed from the internet. At the top of the page there is a table with the heading ''NAFTA by Country Trade Comparisons, 1992.'' The petitioner has circled a paragraph below this that suggests that there is a downward trend in U.S. production and a corresponding increase in U.S. service industries.

This information is irrelevant to the criteria used to assess eligibility for trade adjustment assistance.

The next attachment is titled ''Upheaval in Travel Distribution: Impact on Consumers and Travel Agents'' and appears to be an excerpt of a study authored by a congressional commission. On the first page, a section has been highlighted by the petitioner that describes the mission of the study to establish ''whether there are impediments to obtaining information about the airline industry's services and products.'' It seems to be the intent of the petitioner to assert that this congressional commission may be referring to the ''airline contracts'' (as noted on petition) processed by the petitioner as products, and that, as a result, the worker should be considered eligible for trade adjustment assistance. In another section circled by the petitioner, a section notes that ''internet technology is not going to save consumers from airline domination of retailing.'' Again, the petitioner appears to believe that commission's use of words (specifically, retailing) merit the acknowledgement of airline tickets as products.

In fact, the processing of contracts and/or tickets does not constitute production within the meaning of section 222(3).

Upon further review, the Department has determined that, even if the petitioning worker were considered a production worker, criterion (1) has not been met. Section 222 of the Trade Act defines an eligible worker ''group'' as ''three or more workers in a firm or an appropriate subdivision thereof.''

The investigation revealed that the subject firm is owner-operated and there are no employees of the firm.

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 in Washington, DC, this 20th day of March 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8357 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,320]

American Bag Corporation, Stearns Plant, Stearns, KY; Notice of Negative Determination Regarding Application for Reconsideration

By application of January 23, 2003, a company official 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 January 3, 2003, and published in the **Federal Register** on February 4, 2003 (67 FR 5654).

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 American Bag Corporation, Stearns Plant, Stearns, Kentucky engaged in the production of airbags, was denied because criterion (1) was not met. Employment did not decline in the relevant period, but in fact increased from January through November of 2002 relative to the same time period in 2001.

In the request for reconsideration, the company official confirms that there were no employment declines in the relevant period. However, he also asserts that the reason for this was that workers laid off from the Stearns facility were replaced with workers from American Bag Corporation, Winfield, Kentucky (workers at this facility are currently certified for trade adjustment assistance through August 29, 2003). The official concludes that, on a corporate wide level, employment levels for workers engaged in production of airbags did decline in the relevant period.

When assessing eligibility for trade adjustment assistance, the Department exclusively considers the relevant employment data for the facility where the petitioning worker group was employed. Thus corporate employment levels, in this context, are irrelevant. As

employment levels at the subject facility did not decline in the relevant period, criterion (1) has not been met.

The company official also asserts that the major customer of the subject firm imported competitive airbags.

In order for import data to be considered, employment declines must have occurred at the subject facility in the relevant period. As criterion (1) has not been met for the petitioning worker group, imports are irrelevant.

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 in Washington, DC, this 19th day of March 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8355 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,904]

B.J. Everett, Old Town, FL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 14, 2003, in response to a petition filed by a company official on behalf of workers at B.J. Everett, Old Town, Florida.

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

Signed in Washington, DC, this 26th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8341 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,222]

Bechtel Jacobs Company LLC, Piketon, OH; Notice of Negative Determination Regarding Application for Reconsideration

By application received on August 15, 2002, an attorney acting on behalf of the Paper, Allied-Industrial, Chemical and Energy International Union, Local 5–689, 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 Bechtel Jacobs Company LLC, Piketon, Ohio was signed on July 1, 2002, and published in the **Federal Register** on July 18, 2002 (67 FR 47400).

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 Bechtel Jacobs Company LLC, Piketon, Ohio engaged in activities related to the environmental management services and site restoration activities. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

The union alleges that laid off workers at Bechtel Jacobs Company LLC, Piketon, Ohio were in direct support of United States Enrichment Corporation (USEC), which is currently TAA certified. The union proceeds to assert that, because the union secured ''bumping'' rights for laid-off workers of USEC (allowing them seniority rights in obtaining positions with Bechtel Jacobs), this tie to the TAA certified firm validates the petitioning workers' eligibility. The union also asserts that, as all union-represented employees of Bechtel Jacobs are fomer employees of USEC, the import impact on the certified firm has a direct bearing on the petitioning worker group.

There is no legal affiliation between Bechtel Jacobs and the TAA certified firm. In fact, the union lawyer attests to this, stating that the two companies are ''separate legal entities''. The existence of bumping rights (as established by a union) does not meet the connection required for petitioning worker eligibility based on affiliation to a TAA certified firm.

The petitioner further asserts that, because workers at Bechtel Jacobs are entirely reliant on production levels at USEC, the subject firm workers should be certified.

The fact that service workers are dependant on the production of a trade certified firm does not automatically make the service workers eligible for trade adjustment assistance. Before service workers can be considered eligible for TAA, they must be in direct support of an affiliated TAA certified facility. This is not the case for the Bechtel Jacobs LLC.

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 under certification for TAA.

The petitioner appears to assert that workers laid off from Bechtel Jacobs are being denied eligibility for TAA because they chose to be employed, because if they had refused jobs at Bechtel Jacobs following their lay off from USEC, they would be considered eligible for TAA benefits.

Worker eligibility that is determined by layoffs that occurred at a firm that precedes the last place of employment is determined by the state on an individual basis to determine if the worker(s) meet the various factors under the existing certification during the relevant period.

Finally, the petitioner alleges that in a previous TAA certification of USEC (TA–W–37, 599A), a petition on behalf of workers at Bechtel Jacobs was withdrawn at the request of the Department. The petitioner further asserts that this request for withdrawal was due to the fact that there was already an existing TAA certification on behalf of workers at USEC. In essence, the union asserts that they were informed by the Department that workers of Bechtel Jacobs would be considered part of the petitioning worker group at USEC. As a result of this precedent, the petitioner concludes that the Department itself identified a connection between Bechtel Jacobs and USEC that established grounds for