

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-41,195]

Wellman Thermal Systems, Inc., Shelbyville, IN; Notice of Revised Determination on Reconsideration

By letter of August 14, 2002, the company requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on July 11, 2002, based on the finding that imports of electrical process heaters and controls did not contribute importantly to worker separations at the Shelbyville, Indiana plant. The denial notice was published in the **Federal Register** on July 29, 2002 (67 FR 49038).

To support the request for reconsideration, the company attempted to provide information to illustrate that foreign competition impacted the subject workers. On further clarification from the company it was discovered that a competitor purchased certain assets of Wellman's industrial grade electrical process business and inventory. The company indicated that the foreign company was attempting to penetrate the U.S. marketplace. As a result of the asset sale, workers engaged in the production of electrical process heaters and controls at the subject firm were impacted.

The Department contacted the foreign company for further clarification. The company indicated that they did purchase the assets from Wellman and inventory from the subject firm. The foreign company indicated that shortly after the asset purchase they increased their U.S. imports of products "like and directly" competitive with what the subject plant produced during the relevant period. The products were also simultaneously imported to some of the subject firm's domestic customers.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Wellman Thermal Systems, Inc., Shelbyville, Indiana contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the

provisions of the Act, I make the following certification:

All workers of Wellman Thermal Systems, Inc., Shelbyville, Indiana, engaged in the production of electrical process heaters and controls, who became totally or partially separated from employment on or after March 13, 2001 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 18th day of March 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR**Employment and Training Administration****Proposed Collection; Comment Request**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed extension of data collection using the ETA Form 9023, Trade Adjustment Assistance (TAA)/North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) Program Financial Status Report/Request for Funds (1205-0275, expires 4/31/2003). Efforts are currently underway to transition financial reporting on the TAA and NAFTA-TAA programs to the Standard Form 269. This transition will make financial reporting uniform across all ETA programs. It should be noted that the ETA-9023 will continue to be used by States to request supplemental funding

for both the TAA and NAFTA-TAA programs.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 9, 2003.

ADDRESSEE: Edward A. Tomchick, Director, Division of Trade Adjustment Assistance, Room C-5311, 200 Constitution Ave., NW., Washington, DC 20210. Phone (202) 693-3577 (this is not a toll-free number), fax (202) 693-3584, e-mail etomchick@doleta.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

The Trade Adjustment Assistance Reform Act of 2002 consolidated the Trade Adjustment Assistance (TAA) and North American Free Trade Agreement—Transitional Adjustment Assistance (NAFTA-TAA) programs into one program for trade affected workers. However; earlier amendments to the Trade Act of 1974, contained in the Omnibus Trade and Competitiveness Act (OTCA) of 1988 (Pub. L. 100-418) and Title 5 of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) of 1993 made some significant changes and additions to the way worker adjustment assistance programs for trade-affected workers are funded and administered. These changes made enrollment in training an entitlement for workers adversely affected by imports (TAA program) or by imports from Canada or Mexico (NAFTA-TAA program). The TAA and NAFTA-TAA trade programs provide monies for trade readjustment allowances, job search allowances, job relocation allowances and training. In order for workers to receive trade readjustment allowances for the maximum amount of time permitted, they must be enrolled in a training program approved by the Secretary of Labor (section 423 of OTCA) for the TAA program and (section 250 of the NAFTA Implementation Act) for the NAFTA-TAA program. Although training becomes an entitlement under both programs if certain regulatory criteria are met, the OTCA imposed a training cap in section 236 of the TAA program and under subchapter D for the NAFTA-TAA program. Under the Trade Adjustment Assistance Reform Act of 2002, the statutory cap for training dollars is \$220 million. The purpose of the collection of this information on the form ETA-9023 is to be able to monitor