[FR Doc. 03–10738 Filed 4–30–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,530]

PHB Tool and Die, Girard, Pennsylvania; Notice of Revised Determination on Reconsideration

By application of February 28, 2003, 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 February 13, 2003, based on the finding that criteria (a)(2)(A) (I.C.) and (a)(2)(B) (II.B) were not met. The denial notice was published in the **Federal Register** on March 10, 2003 (68 FR 11409).

To support the request for reconsideration, the company provided additional information that their sole customer, PHB Die Casting, Fairview, Pennsylvania had recently been certified for trade adjustment assistance (TA–W–42,331).

Upon examination of the data supplied by the applicant, it became apparent that PHB Tool and Die workers provided molds and dies used in the production of die castings at an affiliated certified facility (PHB Die Casting, Fairview, Pennsylvania).

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that increased imports of articles like or directly competitive with those produced at an affiliated TAA certified firm contributed importantly to the declines in the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

Workers of PHB Tool and Die, Girard, Pennsylvania, who became totally or partially separated from employment on or after January 8, 2002 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 17th day of April, 2003.

Elliott S. Kushner

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–10744 Filed 4–30–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,451]

Powerex, Inc., Youngwood, Pennsylvania; Notice of Revised Determination on Reconsideration

By application of December 5, 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 November 4, 2002, based on the finding that imports of rectifiers and thyristors did not contribute importantly to worker separations at the subject firm plant. The denial notice was published in the **Federal Register** on November 22, 2002 (67 FR 70460).

To support the request for reconsideration, the petitioner supplied additional information to supplement that which was gathered during the initial investigation. Upon further review and contact with two major declining customers, it was revealed that these customers either increased their imports absolutely or increased their reliance on imports of like or directly competitive products in 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 those produced at Powerex, Youngwood, Pennsylvania, 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 Powerex, Youngwood, Pennsylvania, who became totally or partially separated from employment on or after March 8, 2002 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 17th day of April, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–10741 Filed 4–30–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,459]

Rohm and Haas Company, Philadelphia, Pennsylvania; Notice of Revised Determination on Remand

The United States Court of International Trade (USCIT) remanded to the Secretary of Labor for further investigation of the negative determination in *Former Employees of Rohm and Haas* v. *U.S. Secretary of Labor* (Court No. 00–07–00333).

The Department's initial denial of Trade Adjustment Assistance (TAA) for the workers producing ion exchange resins at Rohm and Haas Company, Philadelphia, Pennsylvania, was based on the finding that criterion (1) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. The decision was signed on April 18, 2000 and published in the **Federal Register** on May 11, 2000 (65 FR 30443).

On voluntary remand, the Department determined that workers of Rohm and Haas Company, Philadelphia, Pennsylvania, producing ion exchange resins were threatened with employment declines. Therefore, criterion (1) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was met. Also on voluntary remand, it was determined that criterion (2) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was met. However, criterion (3) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. Imports did not contribute importantly to worker separations at the subject firm.

On remand, the Department obtained new information from the company which they did not provide during the initial investigation or during voluntary remand.

New data recently supplied by the company shows that the company increased their imports of ion exchange resins (IER's) during the relevant period of the investigation. The data supplied by the company on remand also

indicates that the workers were not separately identifiable by product.

On May 8, 2002, workers of Rohm and Haas Company, Philadelphia were certified (TA–W–41,312) eligible to apply for Trade Adjustment Assistance. That certification covers workers from March 27, 2001 through May 8, 2004.

Conclusion

After careful review of the additional facts obtained on remand, I conclude that there were increased imports of articles like or directly competitive with those produced by the subject firm that contributed importantly to the worker separations and sales or production declines at the subject facility. In accordance with the provisions of the Trade Act, I make the following certification:

All workers of Rohm and Haas Company, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after March 3, 1999, through March 26, 2001, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 21st day of April 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–10739 Filed 4–30–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,444]

Tyson Foods, Stilwell, OK; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 3, 2003 in response to a petition filed by a company official on behalf of workers at Tyson Foods, Stilwell, Oklahoma.

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

Signed at Washington, DC, this 21st day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–10742 Filed 4–30–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–6103]

Bombardier Aerospace, Learjet, Inc., Wichita, KS; Notice of Negative Determination Regarding Application for Reconsideration

By application dated September 6, 2002, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on August 9, 2002, and was published in the **Federal Register** on September 10, 2002 (66 FR 57454).

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 denial of NAFTA–TAA for workers engaged in the manufacture and assembly of aircraft at Bombardier Aerospace, Inc., Learjet, Inc., Wichita, Kansas was denied because the ''contributed importantly'' group eligibility requirement of Section 250 of the Trade Act, as amended, was not met. The subject firm did not import competitive products nor did it shift production from the subject facility to Canada or Mexico in the relevant period.

The petitioner appears to allege that the parent company stopped all repair operations for ''the old existing fleet of Lear jets in lieu of just supporting what they are currently producing.''

Repair functions do not constitute production in terms of eligibility for NAFTA–TAA assistance, and are therefore irrelevant to this investigation.

The petitioner also asserts that production of the Model 31A, which had components and assembly performed at the subject facility, is being replaced by the Model 45, which has foreign-produced components for final assembly at the subject firm. The petitioner appears to be alleging that the 45 is like or directly competitive with the 31A, and therefore the Canadian-produced components of the 45 are like or directly competitive with the 31A components produced at the subject firm.

A company official was contacted in regard to this issue and clarified that production of the 31A had ceased as of January of 2003 because it had become obsolete. He also confirmed that subject firm workers had never produced components of the 45, but were only engaged in final assembly. In regard to the competitiveness of the 31A and the 45, an industry analyst at the United States International Trade Commission (USITC) was consulted, whereupon it was revealed that the 31A and 45 are not like or directly competitive. As a result, the model 45 components are not considered like or directly competitive with components of the 31A, and thus these Canadian produced components have no bearing on the petitioning workers' eligibility for NAFTA–TAA.

The petitioner also alleges that production of the Continental jet model (currently called the Challenger), although assembled in Wichita, is comprised of foreign-produced components, and thereby seems to imply that the imports of these components has import impact on subject firm workers. The petitioner further asserts that there are plans to move the assembly of this aircraft to Canada.

The Challenger model produced in Wichita is not like or directly competitive with other models produced at the subject facility and thus the import of its component parts has no bearing on worker eligibility for NAFTA–TAA. In addition, assembly of the Challenger model has not been shifted to date and any future shift is outside the scope of this investigation.

The petitioner asserts that Bombardier ''is going to build a smaller version of the Model 45 to exactly replace the Model 31,'' and that this new model will be mostly produced abroad. The implication appears to be that this future production will be a competitive replacement for subject firm production.

A company official responded to this allegation by stating that the company is developing a ''Model 40'' that is competitive with the 31A; however, this plane is not yet in production and thus it has no bearing on the scope of this investigation.

The petitioner asserts that ''there has been a substantial shift of production work to Canada and much more to come.'' The petitioner also asserts that Canadian and other imported aircraft parts are shipped to the U.S., thereby