

Dated: November 13, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01-28976 Filed 11-19-01; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-38,679 and NAFTA-04608]

Kazoo, Inc. San Antonio, TX; Notice of Negative Determination Regarding Application for Reconsideration

By application of April 12, 2001, the 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) under petition TA-W-38,679 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) under petition NAFTA-4608. The TAA denial notice applicable to workers of Kazoo, Inc., San Antonio, Texas, was signed on March 12, 2001 and will soon be published in the **Federal Register**. The NAFTA-TAA denial notice applicable to workers of Kazoo, Inc., San Antonio, Texas, was signed on March 12, 2001 and published in the **Federal Register** on April 5, 2001 (66 FR 18118).

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 Kazoo, Inc., San Antonio, Texas engaged in cutting fabric, was denied because the "contribution 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 subject firm did not increase their imports of cut fabric. Sales at the subject firm increased during 2000. The subject firm transferred their cutting operations to another domestic facility.

The NAFTA-TAA petition for the same workers group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of Section 250 of the Trade Act, as amended, were not met. The subject firm did not import cut fabric like and directly competitive with what the subject plant produced from Mexico or Canada, nor was the cutting operation shifted from the workers' firm to Mexico or Canada.

The petitioner alleges that the company shifted the cutting operation at Mexico. The petitioner attached selected letters of recommendation which depicts a shift in production in Mexico. The company was contacted and confirmed that the cutting operation was not shifted to Mexico, nor was the cutting operation contracted out to any Mexican contractor.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC this 29th day of October, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01-28984 Filed 11-19-01; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-38,550]

Pottstown Precision Casting, Inc./Harvard Industries, Inc. formerly/known/as Doehler Jarvis Stowe, PA; Notice of Negative Determination on Reconsideration

On August 15, 2001, 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 August 29, 2001 (66 FR 45698).

The Department initially denied TAA to workers of Pottstown Precision Casting, Inc./Harvard Industries, Inc., formerly known as Doehler Jarvis, Stowe, Pennsylvania because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended,

was not met. The workers at the subject firm were engaged in employment related to the production of automotive components.

The petition asserted that selected customers of the subject plant imported various automotive component parts, contributing importantly to the worker separations.

On reconsideration, the Department surveyed all selected customers (as supplied by the petitioner) of the subject firm regarding their purchases of products (as depicted by the petitioners application) like and directly competitive to what the subject plant produced during the relevant period. The Department contacted all customers as selected by the petitioner, all customers responded. The survey revealed that imports were negligible during the relevant period. The survey also revealed that the closure of the plant forced customers to seek other manufacturers of products like and directly competitive with what the subject plant produced.

The survey further indicated that customers of the subject firm purchased subject plant components, further processed the product and then exported some parts to foreign sources. The foreign sources integrated the parts into finished products.

The petitioner further asserted that the subject plant was under an existing TAA certification (TA-W-38,550) that expired on March 5, 2001. The customer of that certification was contacted and reported that only a negligible portion of the components (stators) were imported during the relevant period of the current investigation.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance and NAFTA-TAA for workers and former workers of Pottstown Precision Casting, Inc./Harvard Industries, Inc., formerly known as Doehler Jarvis, Stowe, Pennsylvania.

Signed at Washington, DC, this 26th day of October, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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