

The petitioner states that the workers at the Structural Beams plant should be eligible to apply for the program benefits because the Structural Beams plant and the parent company, Gulf States Steel, were on in the same. They shared the same Board of Directors, payroll, on-site medical facilities, workers compensation, and health insurance. The petitioner adds that Alabama Structural Beams was part of Gulf States Steel in every sense except that the pay scale and employee union contract was different. When Gulf States Steel closed, so too did the subject firm plant. The petitioner states that the Structural Beam plan relied on the parent company for the raw material to produce the I-beams. The I-beams were sold mainly to manufacturers of mobile homes.

The source of the raw material to produce the I-beams is irrelevant in this case. Workers of the Alabama Structural Beams plant could be certified only if they supplied the I-beams to Gulf States Steel (whose workers were certified eligible to apply for TAA).

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 30th day of April 2001.

Linda A. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-38,507]

Dresser-Wayne Division (Halliburton) Salisbury, MD; Notice of Negative Determination Regarding Application for Reconsideration

By Application of February 8, 2001, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Local 354, request 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 17, 2001, and published in the **Federal Register** on February 8, 2001 (66 FR 9599).

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 producing retail fuel dispensers at Dresser-Wayne Division (Halliburton) in Salisbury, Maryland, was denied because the group eligibility requirement of Section 222(2) of the Trade Act of 1974, as amended, was not met. Sales and production of articles produced at the plant increased from 1999 to 2000.

The petitioner provided a copy of an e-mail from a company official at Dresser-Wayne to the President of UAW, Local 354, indicating that jobs were lost at the plant because some of the work at the subject firm plant was being sent to Brazil.

The transfer of work, or shift of production, is not a basis for worker group certification under the worker adjustment assistance provisions of Section 222 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 decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 30th day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-37,964, TA-W-37,964A]

Hampton Industries, Kinston, NC; Hampton Industries Distribution Center, Snow Hill, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on October 11, 2000, applicable to workers of Hampton Industries, Kinston, North Carolina. The notice was published in the **Federal Register** on November 1, 2000 (65 FR 65330).

At the request of the Company, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of Men's and boys' woven and knit shirts. New information shows that worker separations have occurred at the subject firms' Distribution Center located in Snow Hill, North Carolina. The Snow Hill, North Carolina location provided distribution services for Hampton Industries' production facilities including Kinston, North Carolina.

Accordingly, the Department is amending the certification to cover the workers of Hampton Industries, Distribution Center, Snow Hill, North Carolina.

The intent of the Department's certification is to include all workers of Hampton Industries who were adversely affected by increased imports of men's and boys' woven and knit shirts.

The amended notice applicable to TA-W-37,964 is hereby issued as follows:

All workers of Hampton Industries, Kinston, North Carolina (TA-W-37,964) and Distribution Center, Snow Hill, North Carolina (TA-W-37,964A) who became totally or partially separated from employment on or after July 20, 1999, through October 11, 2002, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 30th day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

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