

APPENDIX—Continued
[Petitions Instituted on 09/24/2001]

TA-W	Subject firm (Petitioners)	Location	Date of petition	Product(s)
40,095	Galina Bonquet, Inc. (Co.)	New York, NY	08/31/2001	Bridal Gowns.
40,096	Crenlo, Inc. (Wrks)	Rochester, MN	09/05/2001	Metal Enclosures.
40,097	Ismecca USA (Co.)	Vista, CA	08/25/2001	Semi-Conductors.
40,098	Toastmaster, Inc.	Boonville, MO	09/04/2001	Warehousing—Small Appliances.
40,099	Shasta Paper Co. (PACE)	Anderson, CA	09/04/2001	Specialty Paper.
40,100	FMC Technologies (Wrks)	Homer City, PA	08/10/2001	Bowl Feeders.
40,101	Lee Dyeing Co. of NC (Co.)	Gloversville, NY	07/07/2001	Fabric Dyeing.
40,102	Joplin Manufacturing c	Joplin, MO	09/03/2001	Explosive—Mining.
40,103	ASARCO, Inc. (Co.)	Sahuartia, AZ	08/31/2001	Copper Concentrate.
40,104	ASARCO, Inc. (Co.)	Hayden AZ	08/03/2001	Copper Concentrate.
40,105	CTS Reeves Frequency (Co.)	Sandwich, IL	08/21/2001	Crystal Oscillators.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-39,330]

Volunteer Leather, Milan, Tennessee; Notice of Negative Determination Regarding Application for Reconsideration

By application of June 29, 2001, the company 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 Volunteer Leather, Milan, Tennessee was issued on June 4, 2001, and was published in the **Federal Register** on June 27, 2001 (66 FR 34256).

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 investigation findings revealed that criterion (3) of the group eligibility requirements of Section 222 of the Trade Act of 1974 was not met. Increased imports did not contribute importantly to worker separations at the subject firm. The preponderance in the declines in employment at the Volunteer Leather, Milan, Tennessee is

the direct result of plant production being shifted to another domestic location. Reported company sales and production increased during the relevant period.

The request for reconsideration claims that the reported company-wide sales and production during the original investigation, would have reflected a decline in sales and production if it were not for the acquisition of the subject firm during June 2000. The petitioner supplied specific data pertaining to the Milan, Tennessee plant production during the first quarter of 2001. The application also supplies estimated company-wide production, if the subject plant was included in the company figures for the first quarter of 2000. Extrapolating the estimated production figures from the original reported production depicts stable plant production during the two comparable periods. The findings of the original investigation indicated that "the preponderance in the declines in employment at Volunteer Leather, Milan, Tennessee is the direct result of plant production being shifted to another domestic location. The domestic shift is due to company-wide excess capacity." The information the claimant provides depicts excess capacity at another company location, in combination of steady production at the subject plant, thus supporting the original decision.

The petitioner further states that the increasing cost of cattle hides (raw material) and imports of shoes (the product the leather is produced for) are contributing factors to layoffs at the subject plant. Neither factor is a basis for certifying the worker group at Volunteer Leather producing finished leather.

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 15th day of October 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-39,654]

Wilcox Forging Company, Mechanicsburg, PA; 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 Certification of Eligibility to Apply for Worker Adjustment Assistance on September 17, 2001, applicable to workers of Wilcox Forging Company, Mechanicsburg, Pennsylvania. The notice was published in the **Federal Register** on October 4, 2001 (FR 66 50685).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce drop forgings for the automotive industry.

New findings show that there was a previous certification, TA-W-36,179, issued on May 21, 1999, for workers of Wilcox Forging Corporation, Mechanicsburg, Pennsylvania who were engaged in employment related to the production of drop forgings for the