

produce an article and who are currently under certification for TAA.

In conclusion, the petitioning workers at the subject firm did not produce an article within the meaning of Section 222(3) of the Trade Act of 1974, nor were separations caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produced an article and who are currently under certification 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 11th day of February, 2003.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-4286 Filed 2-21-03; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-41,987]

#### **Alcoa Wenatchee Works, A Division of Alcoa, Inc., Malaga, WA; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated November 18, 2002, the Wenatchee Aluminum Trade Council requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The Notice of Termination of Investigation was signed on October 18, 2002 and published in the **Federal Register** on November 5, 2002 (67 FR 67423).

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 petition for the workers of Alcoa Wenatchee Works, a division of Alcoa, Inc., Malaga, Washington engaged in the production of aluminum was terminated based on the plant ceasing production of aluminum in July 2001, more than one year prior to the August 1, 2002, date of the petition.

The petitioner on reconsideration questions the exact findings that the facility ceased production in July 2001.

The Department of Labor's Notice of Negative Determination Regarding Application for Reconsideration pertains to the impacted worker group producing aluminum cited in the petition. It was determined that the company ceased production of aluminum on July 1, 2001, more than one year prior to the date of the petition, August 1, 2002. Contact with the company confirmed that production of aluminum ceased on July 1, 2001. As such, layoffs occurring after August 1, 2001 cannot be attributable to the cessation of aluminum production as it had already occurred at least one month earlier.

The petitioners also infer that we erred in our use of Section 223(b)(1) referencing it to the ceased production date.

We do not agree that there was an error made in our use of Section 223(b)(1). The termination notice states "Section 223(b)(1) of the Trade Act of 1974 provides that a TAA certification may not apply to a worker whose separation from employment occurred more than one year prior to the date the petition was filed on behalf of affected workers." As noted above, since production ceased more than a year prior to the petition date, workers separated subsequent to July 2001 would not have been engaged in the production of aluminum when separated.

The petitioner on reconsideration further indicates that they are asking for reconsideration of laid-off workers after August 1, 2001.

The initial investigation addressed the group of workers as stated in the petition and thus the investigation was conducted for the workers engaged in the production of aluminum. In conducting the initial investigation the Department was aware that the plant remained open due to a contract agreement that required that Alcoa maintain at least 400 employees. The Department was also aware that a portion of the workforce began producing carbon anode blocks for another Alcoa Aluminum plant, while that plant rebuilds their anode baking

facility. The carbon blocks act as a sacrificial anode in the aluminum production process, so most of the aluminum smelters, including Wenatchee Works, have such a production facility. The major contributing factor leading to the layoffs at the subject firm was the curtailment of aluminum production. Neither of the activities as described above led to the aluminum worker layoffs for which the investigation was conducted. In any event, if employment declines or threat of layoffs occurred relating to the worker groups engaged in the production of carbon blocks and/or electricity, a petition for Trade Adjustment Assistance may be filed on their behalf.

### 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 11th day of February 2003.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-4287 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-41,872]

#### **Breed Technologies Incorporated, Knoxville, TN; Notice of Negative Determination Regarding Application for Reconsideration**

By application of October 30, 2002, the Union of Needletrades, Industrial & Textile Employees, Tennessee/Kentucky District, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on September 24, 2002, and published in the **Federal Register** on October 10, 2002 (67 FR 63159).

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 petition for the workers of Breed Technologies Incorporated, Knoxville, Tennessee was denied because the "contributed 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 customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of imported automobile seat belt components.

The petitioner states that the production of automobile seat belt components made at the subject firm was relocated to a foreign facility. They further assert that these currently foreign-produced components "will become part of seat belt assemblies that are now being imported from Mexico to the United States". They conclude that if the subject firm had not decided to shift component production, there would be no job loss.

Seat belt assemblies are not "like or directly competitive" with the products produced (automobile seat belt components) by the subject firm. Therefore, the imports of seat belt assemblies is not relevant in meeting the

eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended.

### 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 13th day of February 2003.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-4285 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 6, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 6, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 27th day of January 2003.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

## APPENDIX

[Petitions Instituted Between 01/22/2003 and 01/24/2003]

| TA-W   | Subject firm (petitioners)                 | Location         | Date of institution | Date of petition |
|--------|--------------------------------------------|------------------|---------------------|------------------|
| 50,604 | Cessna Aircraft Company (Wkrs)             | Wichita, KS      | 01/22/2003          | 01/14/2003       |
| 50,605 | Jackson Sewing Center (Wkrs)               | Madisonville, TN | 01/22/2003          | 01/10/2003       |
| 50,606 | Emerson Tool Company (Comp)                | Paris, TN        | 01/22/2003          | 01/10/2003       |
| 50,607 | Nortel Networks (Wkrs)                     | RTP, NC          | 01/22/2003          | 12/16/2002       |
| 50,508 | A.O. Smith Electrical Products Co. (Comp)  | McMinnville, TN  | 01/22/2003          | 01/09/2003       |
| 50,609 | Cendant Corporation (Wkrs)                 | Elizabethton, TN | 01/22/2003          | 01/13/2003       |
| 50,610 | Warnaco, Inc. (Wkrs)                       | Thomasville, GA  | 01/22/2003          | 01/13/2003       |
| 50,611 | Acme Electronics, LLC (Comp)               | Cuba, NY         | 01/22/2003          | 11/26/2002       |
| 50,612 | O. Mustad and Son, Inc. (Wkrs)             | Auburn, NY       | 01/22/2003          | 01/06/2003       |
| 50,613 | Foamex, L.P. (Comp)                        | Milan, TN        | 01/22/2003          | 01/01/2003       |
| 50,614 | Auto Sound/Entronix (MN)                   | Eveleth, MN      | 01/22/2003          | 01/16/2003       |
| 50,615 | BP Solar, LLC (Comp)                       | Toano, VA        | 01/22/2003          | 01/18/2003       |
| 50,616 | Connector Service Corporation (Wkrs)       | Mentor, OH       | 01/22/2003          | 01/10/2003       |
| 50,617 | BP Solar, LLC (Comp)                       | Fairfield, CA    | 01/22/2003          | 01/18/2003       |
| 50,618 | F/V Lila-L (Comp)                          | Nanek, AK        | 01/22/2003          | 01/16/2003       |
| 50,619 | Neenah Paper Co. (PACE)                    | Neenah, WI       | 01/22/2003          | 01/17/2003       |
| 50,620 | Youngstown Forge (Wkrs)                    | Youngstown, OH   | 01/22/2003          | 01/21/2003       |
| 50,621 | F/V Frances A. (Comp)                      | Naknek, AK       | 01/22/2003          | 01/18/2003       |
| 50,622 | Dallas Semiconductor/Maxim (Wkrs)          | Dallas, TX       | 01/22/2003          | 01/09/2003       |
| 50,623 | Arimon Technologies, Inc. (Comp)           | Montello, WI     | 01/22/2003          | 01/17/2003       |
| 50,624 | Agilent Technologies (Wkrs)                | Loveland, CO     | 01/22/2003          | 01/16/2003       |
| 50,625 | F/V Thunderbird/Seahunter Fisheries (Comp) | Anchorage, AK    | 01/22/2003          | 01/21/2003       |
| 50,626 | Crowe Logging, Inc. (Wkrs)                 | Encampment, WY   | 01/22/2003          | 01/15/2003       |
| 50,627 | F/V Blue Angel (Comp)                      | Naknek, AK       | 01/22/2003          | 01/20/2003       |
| 50,628 | Xerox Corporation (Wkrs)                   | Irving, TX       | 01/22/2003          | 01/18/2003       |