

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-41,399]

**BBA Nonwovens Simpsonville Inc.,
Lewisburg, PA; Notice of Revised
Determination on Reconsideration**

By letter postmarked August 15, 2002, the Paper, Allied-Industrial, Chemical and Energy International Workers Union, Local PACE 2-1318, 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 July 1, 2002, based on the finding that imports of apparel interlinings and disposable diaper components did not contribute importantly to worker separations at the Lewisburg plant. The denial notice was published in the **Federal Register** on July 18, 2002 (67 FR 47399).

To support the request for reconsideration, the union supplied additional information to supplement that which was gathered during the initial investigation. Upon further review and contact with the company, it was revealed that the company had sold off a major product line of apparel interlinings to a manufacturer with foreign production capacity.

In addition, contact with the major declining domestic customer of this product revealed that they replaced their purchases of apparel interlinings from the subject firm with products from the foreign plant during the relevant period. The imports accounted for a meaningful portion of the subject plant's lost sales and production.

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 BBA Nonwovens Simpsonville Inc., Lewisburg, 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 BBA Nonwovens Simpsonville Inc., Lewisburg, Pennsylvania, who became totally or partially separated from employment on or after March 25, 2001 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 19th day of February 2003.

Edward A. Tomchick,
*Director, Division of Trade Adjustment
Assistance.*

[FR Doc. 03-6405 Filed 3-17-03; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-41,851]

**Burlington Resources, Gulf Coast
Division, Houston, TX; Notice of
Negative Determination Regarding
Application for Reconsideration**

By application received on October 10, 2002, a 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). The denial notice applicable to workers of Burlington Resources, Gulf Coast Division, Houston, Texas was signed on September 11, 2002, and published in the **Federal Register** on September 27, 2002 (67 FR 61160).

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 TAA petition was filed on behalf of workers at Burlington Resources, Gulf Coast Division, Houston, Texas engaged in activities related to clerical, accounting, legal and marketing services. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222(3) of the Act.

The petitioner alleges that the majority of the petitioning worker group at Burlington Resources, Gulf Coast Division, Houston, Texas were production workers.

Upon further review and company contact, it was revealed that, although the overwhelming majority of workers in the petitioning worker group were office workers, a small percentage of the group fulfilled other job functions. A review of the job descriptions of these

few workers revealed that, in addition to administrative functions, they were engaged in safety and environmental assessment services, and supervisory functions. As these functions do not constitute production, the original finding established in the initial investigation remains valid.

The petitioner also cites company data that indicates increased imports in natural oil and gas with corresponding declines in domestic production. As the petitioning worker group does not produce a product, however, this information is irrelevant.

Finally, the petitioner asserted that a very similar worker group at Texaco Exploration (TA-W-41,243 and TA-W-41,243 A-G), was certified for trade adjustment assistance, and attached a copy of this certification to the request for reconsideration. The petitioner also notes that other Burlington Resources facilities have been certified in the past.

A review of the Texaco certification revealed that production workers were involved in the petitioning worker group. Although it is not indicated that similar work functions were involved in this certification, it is possible that workers performing the same functions as those in the petitioning worker group could have been part of the Texaco certification. If service workers are in direct support of petitioning or TAA certified production workers, then workers in these support functions may be eligible. In the case of the petitioning worker group in this investigation, there are no production workers represented. Similarly, past certifications for Burlington Resources involved worker groups that included production workers.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

In conclusion, the workers at the subject firm did not produce an article within the meaning of section 222(3) 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 decision. Accordingly, the application is denied.

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

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-6407 Filed 3-17-03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-7647 and NAFTA-7647A]

Cerf Brothers Bag Co., New London, MO, Cerf Brothers Bag Co., Vandalia, MO; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called (NAFTA-TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on November 1, 2002, in response to a petition filed by three workers on behalf of workers at Cerf Brothers Bag Company, New London, Missouri (NAFTA-7647) and Cerf Brothers Bag Company, Vandalia, Missouri (NAFTA-7647A).

The petition has been deemed invalid. Three workers may not file on behalf of workers at another location of a firm. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 7th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-6415 Filed 3-17-03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-3584]

Chevron Products Company, Roosevelt, UT; Notice of Negative Determination of Reconsideration On Remand

The United States Court of International Trade (USCIT) remanded for further investigation the Secretary of Labor's negative determination in *Former Employees of Chevron Products Company v. U.S. Secretary of Labor* (00-08-00409).

The Department's initial denial of the petition for employees of Chevron Products Company, Roosevelt, Utah, was issued on April 24, 2000 and published in the **Federal Register** on May 11, 2000 (65 FR 30444). The denial was based on the finding that the workers provided a service and did not produce an article within the meaning of section 250(a) of the Trade Act, as amended.

The petitioners requested administrative reconsideration of the Department's denial, citing that the low price of imported crude oil forced U.S. producers to reduce activity, and thus, contributed to the worker separations at Chevron Products Company in Roosevelt, Utah. The petitioners also cited increased company imports of Canadian crude oil. The petitioners also claimed that other trucking and non-producing entities had been certified for Trade Adjustment Assistance (TAA). Furthermore, the petitioners stated that the Department issued the determination prematurely because the State of Utah had not issued its preliminary finding.

On July 21, 2000, the Department issued a Negative Determination on Application for Reconsideration because no new information was presented that the Department had erred or misinterpreted the facts or Trade Act law. The notice was published in the **Federal Register** on August 1, 2000 (65 FR 46988).

The USCIT remanded the case to the Department for further investigation because the USCIT believed that the record did not support the findings as to the nature of the work performed by the workers of Chevron Products Company, nor did it support the finding that the workers did not produce an article but provided a service.

The petitioners described the duties of a gauger as follows: The Plant Operator (gauger) is to go to each location, a well head and or crude oil tanks, for purchase. The gauger has a number of tasks to perform before the crude is purchased—check temperature, gauge the amount of crude in the tank, take samples for gravity test and grind out for BS & W, and check the bottom of the tank for water or impurities. If the samples and all the tests pass, then a crude oil ticket is written for that tank. At that point the crude is ready for transportation to one of three locations. Drivers are dispatched to the location and load the crude oil on their truck and transport it to one of three refineries.

On remand, the Department contacted the subject firm headquarters in San Ramon, California to obtain information about the organization of the company

and the work that took place at the Roosevelt, Utah location.

ChevronTexaco submitted information to the Department that in 1998 and 1999, Chevron Products Company was a division of Chevron U.S.A., Inc., a wholly owned subsidiary of Chevron Corporation, now ChevronTexaco Corporation. According to ChevronTexaco, the business purpose of Chevron Products Company was marketing, trading, supply and distribution of crude oil and products derived from petroleum, and the marketing of related technology. ChevronTexaco also established that during the same time period, the Chevron Products Company, Roosevelt, Utah, location was a transportation terminal, involved in picking up crude oil by truck at the well head, primarily at wells owned by non-Chevron producers and delivering to the Chevron Products Company's refinery in Utah or to a pipeline terminal.

The Department obtained from the company the position descriptions for the Roosevelt terminal worker group. A brief summary of the "Plant Operator" follows:

(a) Receives and stores bulk products from pipeline tenders. Gauges tanks before and after delivery for product and water, takes temperatures, sets lines and opens valves (where not done by Pipe Line Gauger Switchman), takes samples as prescribed; completes tests to assure product quality.

(b) Performs truck loading activities including cleanliness, loading of exchange shipments, and verification (visual or meter) of products loaded.

(c) Periodically inventories product additives and chemicals. Balances inventories and receipts.

(d) Maintains driver records, regarding miles driven, gallons delivered.

The job description for the "Product Delivery Truck Driver" is briefly summarized as follows:

(a) Operates motor vehicle engaged in the delivery of bulk liquid or packaged products to customers, company terminals or warehouses.

(b) Operates a variety of makes, models, sizes, capacities and types of automotive equipment, and all appurtenant metering, pumping and other mechanical devices related or incidental to transporting, loading and unloading products.

The Department also examined the job description for a gauger as defined in the Dictionary of Occupational Titles (DOT). The gauger is included in the group of occupations concerned with conveying materials, such as oil, gas, water, etc., "Pumping and Pipeline