Contact with the company revealed that petitioning workers were engaged in fabrication (welding) and repair service of machinery at unaffiliated steel facilities on a contract basis. These functions do not constitute production.

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, 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 27th day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–6410 Filed 3–17–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,893]

J & J Forging Inc., Monaca, Pennsylvania; Notice of Negative Determination Regarding Application for Reconsideration

By application received on October 21, 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 J & J Forging Inc., Monaca, Pennsylvania 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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at J & J Forging Inc., Monaca, Pennsylvania engaged in activities related to processing steel, titanium and copper alloy materials. 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 a nearby (unaffiliated) facility that was certified for TAA benefits produced similar products, and thus believes that workers at J & J Forging Inc. should be certified.

A review of the products produced for this nearby facility revealed that some of the production is similar to that performed at the subject facility. However, the metal processed at the certified facility is owned by the company, whereas the subject firm performs finishing work on metal owned by customers of the subject firm. J & J Forging Inc. does not sell the metal they process and therefore their function is considered a service.

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.

The petitioner also appears to assert that the results of the events of 9/11 increased the import impact on subject firm workers.

As the work done at the subject facility is not considered production, import impact is not relevant.

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. 03–6408 Filed 3–17–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,181]

Motorola Integrated Electronics Systems Sector, Automotive Communication Electronic Systems, Elma, NY; Notice of Negative Determination Regarding Application for Reconsideration

By application of November 12, 2002, 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 was signed on September 25, 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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Motorola, Integrated Electronics Systems Sector, Automotive Communication Electronic Systems Group, Elma, New York, engaged in the production of automotive electronic modules-printed circuit board products, 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 the workers' firm's customers. The Department conducted a survey of the subject firm's major customers regarding their purchases of automotive electronic modules-printed circuit board products. The respondents reported no increased imports during periods where they decreased purchases from the subject firm. The subject firm did not import automotive electronic modules-printed circuit board products.

In their initial request for reconsideration (dated November 20, 2002), the company official alleged that ''data provided by our major customer regarding increases of imports is not accurate''.

A review of the initial customer survey revealed an increase in customer imports in January through September 12, 2002 compared to 2001. However, this customer also reported that they more than doubled their purchases from the Elma facility in January through September 12, 2002 relative to 2001 (as reported in dollars). As there were no declines in purchases from the domestic subject plant in the period when imports began, there is no evidence of import impact. Further, a clarifying conversation with the company confirmed that the figures provided by the customer were in fact accurate. The company official clarified that, although they had laid off employees in anticipation of a shift in production, an unexpected increase in production orders for the Elma facility had led to a delay in the production shift.

In a follow up letter (dated December 20, 2002), the company provided figures for production at the Elma facility and a foreign facility in regard to their production for their major customer. In this table, the figures indicate a decline in production at the subject firm in calendar year 2002 over 2001 and a corresponding increase in production shifted to a foreign source for the same time periods.

When contacted about these figures, the company official clarified that the subject facility's declining production figures were inaccurate due to the unexpected increase in production demand at the subject facility. Further, the company gives no indication of increased imports relative to production at the subject facility.

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 24th day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–6416 Filed 3–17–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—6385]

Ameriphone, Inc., a Wholly Owned Subsidiary of Plantronics, Inc., Garden Grove, CA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated October 17, 2002, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on September 11, 2002, and was 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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The NAFTA–TAA petition filed on behalf of workers at Ameriphone, Inc., a wholly owned subsidiary of Plantronics, Inc., Garden Grove, California engaged in activities related to administrative, technical, sales and distribution services in support of products for the hearing impaired and deaf communities was denied because the petitioning workers did not produce an article within the meaning of section 250 of the Trade Act, as amended.

The petitioner alleges that the subject firm workers were engaged in the final production phase. Specifically, the petitioner mentions inspection, testing and modification of products as the functions performed at the subject firm. These functions were performed on articles produced and sent from overseas to the subject firm.

With the exception of product modifications, none of the above functions constitute production in terms of eligibility for NAFTA-Transitional Adjustment Assistance, as they do not meet the eligibility of the Trade Act. Product modification accounted for a negligible portion of the work performed at the subject firm.

The petitioner also asserts that subject firm workers performed engineering functions, including prototype design and production.

Contact with the company revealed that prototype production was a rare and intermittent function that constituted a negligible percentage of work performed at the subject facility.

The petitioner alleges that the subject firm workers performed ''article upgrades'' on products that required new components.

Investigation into this matter, including contact with the company, revealed that any ''upgrades'' performed represented a negligible percentage of work performed at the subject facility.

Finally, the petitioner appears to allege that the subject firm workers are eligible because they served as a source of packaging, updated literature, fault reports and components added to the product that was shipped to their facility.

Investigation into this matter revealed that subject firm workers do not produce packaging or updated literature. Fault reports are not considered production in context with worker eligibility for NAFTA–TAA. Further, components were added either as part of repair work, or were intermittent and not significant enough to qualify subject firm worker functions as production.

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 NAFTA–TAA. In this case, no such certification exists.

In conclusion, the workers at the subject firm did not produce an article within the meaning of section 250(a) 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 10th day of March 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–6414 Filed 3–17–03; 8:45 am]

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