On March 14, 2001 and March 13, 2001, the Department of Labor issued Negative Determination Regarding Eligibility to apply for Trade Adjustment Assistance (TAA) and NAFTA–Transitional Adjustment Assistance (NAFTA–TAA), respectively, applicable to workers and former workers of the subject firm. The TAA and NAFTA–TAA decisions were published in the Federal Register on April 16, 2001 (66 FR 19520) and (66 FR 169522), respectively.

The TAA petition 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 investigation revealed that none of the subject firm customers reported increased import purchases of softwood lumber (dimensional).

The NAFTA–TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There was no shift of production from the subject firm to Canada or Mexico, nor did the company import softwood lumber from Canada or Mexico. The Department conducted a survey of major customers of the subject firm regarding purchases of softwood lumber (dimensional). The survey revealed that the customers did not significantly increase import purchases of softwood lumber from Canada or Mexico.

In the request for reconsideration, PACE asserts that there was a contradiction in the TAA and NAFTA–TAA decisions, inasmuch as in the TAA petition denial, the finding that import purchases by the subject company of softwood dimensional lumber declined during the relevant time periods, while the NAFTA–TAA petition denial found the subject firm does not import softwood lumber.

The Department concurs with the PACE on this issue. On reconsideration, the Department conducted further import analysis. The analysis revealed that Georgia Pacific maintained a reliance on imports of softwood lumber from Canada and other sources, while reducing production and employment at the Chip and Saw Plant located in Baileyville, Maine.

From 1999 to 2000, U.S. imports of softwood lumber from Canada increased absolutely and relative to domestic production and consumption.

Conclusion

After careful review of the application and investigative findings on reconsideration, I conclude that increased imports, including those from Canada of articles like or directly competitive with softwood lumber, contributed importantly to the decline in sales or production and to the total or partial separation of workers of the subject firm. In accordance with the provisions of the Trade Act, I make the following certification:

All workers of Georgia Pacific, Chip and Saw Plant, Baileyville, Maine, engaged in employment related to the production of softwood lumber, who became totally or partially separated from employment on or after December 2, 1999, through two years from issuance of the revised determination, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974; and

All workers of Georgia Pacific, Chip and Saw Plant, Baileyville, Maine, engaged in employment related to the production of softwood lumber, who became totally or partially separated from employment on or after January 2, 2000, through two years from the issuance of this revised determination, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Signed in Washington, DC, this 9th day of January 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–2344 Filed 1–30–02; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of January, 2002.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–40,358; Pennsylvania Tool and Gages, Inc., Meadville, PA

TA–W–39,522; JLG Industries, Inc., Bedford, PA

TA–W–39,302; Honeywell Aircraft Landing Systems, South Bend, IN

TA–W–40,564; Texfi Industries, New York, NY

TA–W–40,314 & A; Trout Lake Farm LLC, Trout Lake, WA and Moses Lake, WA

TA–W–40,451; Modern Prototype, Troy, MI

TA–W–39,907; Alcoa Fujikura Ltd, Optical Fiber Systems, Houston, TX

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,056; Peerless Pattern Works, Portland, OR

TA–W–39,433; The Penn Companies, St. Peters, MO

TA–W–40,071; PTC Alliance, Darlington, OH

TA–W–40,275; Tyco Electronics, Fiber Optics Div., Glen Rock, PA

TA–W–40,435; Telaxis Communications, South Deerfield, MA

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–40,560; DataMark, Inc., El Paso, TX

TA–W–40,479; Gate Gourmet International, Unit 498, Charlotte, NC

TA–W–40,441; Road Machinery Co., Bayard, NM

TA–W–40,562; Lake Superior and Ishpiming Railroad Co., Marquette, MI

TA–W–39,919; Antec/Keptel, Tinton Falls, NJ

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–40,125; Arrow/SI, Winsted, CT: September 13, 2000.
TA–W–40,123; Crown Pacific Limited Partnership, Coeur D'Alene, ID: August 30, 2000.
TA–W–40,028; Story and Clark Piano Co., A Div. of QRS Music Rolls, Seneca, PA: August 30, 2000.
TA–W–39,939; Willamette Industries, Inc., Korpine Particleboard Div., Bend, OR: August 17, 2000.
TA–W–39,539; Mission Valley Fabrics, New Braunfels, TX: June 14, 2000.
TA–W–39,191; NVN Corp., Clifton, NJ: April 3, 2000.
TA–W–40,258; Superior Uniform Service Group, Inc., McGehee Industries, McGehee, AR: October 2, 2000.
TA–W–40,249; Liebert Corp., Irvine California Operations, Irvine, CA: September 27, 2000.
TA–W–40,243; Paulson Wire Rope Corp., Sunbury, PA: October 4, 2000.
TA–W–40,225; Atotech USA, State College, PA: October 4, 2000.
TA–W–40,198; Scion Valley, Inc., Meridian, TX: September 27, 2000.
TA–W–40,078; Guilford Mills, Pine Grove, PA: September 10, 2000.
TA–W–40,276; Dorel Juvenile Group, Inc., Formerly Cosco, Inc., Ft. Smith, AR: October 8, 2000.
TA–W–39,964 & A; NACCO Industries, Inc., Materials Handling Group, Assembly Building, Danville, IL and Parts Distribution Center, Danville, IL: June 26, 2000.
TA–W–40,520 & A; Hoskins Manufacturing Co., Mio, MI and Lewiston, MI: November 27, 2000.
TA–W–40,510; Applied Concepts, Inc., Warrendale, PA: November 14, 2000.
TA–W–40,491 & A; Wesley Industries, Inc., Bloomfield Hills, MI and New Haven Foundry, New Haven, MI: November 20, 2000.
TA–W–40,408; Carrier Corp., Conway Refrigeration Operations, Conway, AR: October 19, 2000.
TA–W–40,393; Stylemaster Apparel, Inc., Union, MO: November 27, 2000.
TA–W–40,329; D. K. Mold and Engineering, Inc., Wyoming, MI: October 23, 2000.
TA–W–39,356; Kendall Healthcare, Chatsworth, CA: May 16, 2000.
TA–W–39,584; Laco Sportswear, Inc., Chattanooga, TN: June 25, 2000.
TA–W–39,670 & A; Lamb-Grays Harbor Co., Hoquiam, WA and Meridian, MS: July 9, 2000.
TA–W–40,099; Shasta Paper Co., Anderson, CA: September 4, 2000.
TA–W–40,178; Corning Cable Systems, Optical Assemblies Plant, Hickory, NC: September 20, 2000.
TA–W–40,180; Skinner Engine Co., Erie, PA: September 27, 2000.
TA–W–40,261; Capitol Manufacturing, Harsco Corp. Gas and Fluid Control Group, Lansing, OH: October 4, 2000.
TA–W–40,404; Fender Musical Instruments, Westerly. RI: November 27, 2000.
TA–W–40,420 & A; International Wire Group, Inc., Bare Wire Div., Plant #4, Pine Bluff, AR and Shunt Plant, Pine Bluff, AR: October 19, 2000.
TA–W–40,462; Vishay Vitramon, Roanoke, VA: December 12, 2000.
TA–W–40,466; Precision Cable Assemblies, Logansport, IN: December 14, 2000.
TA–W–40,532; Rich Products Manufacturing Corp., Appleton Div., Appleton, WI: November 1, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.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 as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of January, 2002.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05067 & A; Lamb-Grays Harbor Co., Hoquiam, WA and Meridian, MS.
NAFTA–TAA–05392 & A; International Wire Group, Inc., Bare Ware Div., Plant #4, Pine Bluff, AR and Bare Wire Div., Shunt Plant, Pine Bluff, AR.
NAFTA–TAA–05573; Metalloy Corp., Hudson, MI.
NAFTA–TAA–05638; Scientific Molding Corp. Ltd., SMC Texas Div., Brownsville, TX.
NAFTA–TAA–04773; PSC Scanning, Eugene, OR.
NAFTA–TAA–04966; The Penn Companies, St. Peters, MO.
NAFTA–TAA–05288; Curtron Manufacturing, Inc., Travelers Rest, SC.
NAFTA–TAA–05424; Paulson Wire Rope Corp., Sunbury, PA.
NAFTA–TAA–05524; Tresco Tool, Inc., Guys Milles, PA.
NAFTA–TAA–05584; Carrier Corp., Conway Refrigeration Operation, Conway, AR.
NAFTA–TAA–05590; Hoskins Manufacturing Co., Mio, MI.
NAFTA–TAA–05591; Hoskins Manufacturing Co., Lewiston, MI.
NAFTA–TAA–05611; Stylemaster Apparel, Inc., Union, MO.
NAFTA–TAA–05665; JBI LP, Osseo, WI.
NAFTA–TAA–04732; Peerless Pattern Works, Portland, OR.

The workers firm does not produce an article as required for certification under Section 250(a), Subchapter D, Chapter 2, Title II, the Trade Act of 1974, as amended.

NAFTA–TAA–05162; NACCO Industries, Inc., Materials Handling Group, Parts Distribution Center, Danville, IL

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04956; Kendall Healthcare, Chatsworth, CA: May 16, 2000.
NAFTA–TAA–05050; Laco Sportswear, Inc., Chattanooga, TN: June 28, 2000.
NAFTA–TAA–05429; Capitol Manufacturing, Harsco Corp. Gas and Fluid Control Group, Lansing, OH: October 9, 2000.
NAFTA–TAA–05438; United For Excellence, River Falls, WI: September 13, 2000.
NAFTA–TAA–05555; The Gillette Co., Oral-B Laboratories, Iowa City, IA: November 13, 2000.
NAFTA–TAA–05585 & A; VF Jeanswear Limited Partnership, Andrews, NC

and Greensboro, NC: November 20, 2000.

NAFTA–TAA–05682; Parallax Power Components LLC, Goodland, IN: December 14, 2000.

NAFTA–TAA–05692; Emerson Electric Co., Alco Controls Div., Hazlehurst, GA: December 17, 2000.

NAFTA–TAA–05618; Cherry Electrical Products, Div. of Cherry Corp., Pleasant Prairie, WI: December 3, 2000.

NAFTA–TAA–05621; Biltwell Clothing Co., Rector Sportswear, Rector, AR: November 9, 2000.

NAFTA–TAA–05628; Cooper Bussmann, Goldsboro, NC: November 27, 2000.

NAFTA–TAA–05633; Evergreen Wholesale Florist, Design Department, Seattle, WA: December 10, 2000.

NAFTA–TAA–05646; Smiley Hats, Inc., Sparks, NV.

NAFTA–TAA–05553; Guilford Mills, Inc., Pine Grove, PA: November 8, 2000.

NAFTA–TAA–05546; Storm Copper Components, Decatur, TN: November 13, 2000.

NAFTA–TAA–05499; Prime Tanning Corp., St. Joseph Plant, St. Joseph, MO: October 24, 2000.

NAFTA–TAA–05460; Summitville Tiles, Inc., Summitville Carolina Div., Morgaton, NC: October 16, 2000.

NAFTA–TAA–05423; Wabash National Corp., Wabash National, LP, Huntsville, TN: September 25, 2000.

NAFTA–TAA–05414; Bobs Candies, Inc., Including Workers of Kelly Temporary Services, Albany, GA: October 9, 2000.

NAFTA–TAA–05359; Crown Pacific Limited Partnership, Coeur D'Alene, ID: August 30, 2000.

I hereby certify that the aforementioned determinations were issued during the month of January, 2002. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 22, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–2327 Filed 1–30–02; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,791 and NAFTA–04630]

Sierra Pacific Industries Loyalton, CA; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 31, 2001, the United Brotherhood of Carpenters & Joiners of America, Western Council of Industrial Workers, Local Union 3074 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) under petition TA–W–38,791 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) under petition NAFTA–4630. The denial notices applicable to workers of Sierra Pacific Industries, Loyalton, California, were signed on April 24, 2001 (TA–W–38,791), and April 30, 2001 (NAFTA–4630) and published in the **Federal Register** on May 9, 2001 (66 FR 23733) and May 18, 2001 (66 FR 27691), respectively.

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, filed on behalf of workers at Sierra Pacific Industries, Loyalton, California, producing softwood dimensional lumber, 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 survey revealed no increase customer imports of softwood dimensional lumber during the relevant period.

The NAFTA–TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of Section 250 of the Trade Act, as amended, were not met. A survey was conducted and revealed that customers did not increase their imports of softwood dimensional lumber from Canada or Mexico during the relevant period. The subject firm did not import softwood dimensional lumber, nor was production of softwood dimensional lumber shifted from the workers' firm to Mexico or Canada.

The petitioner alleges that the company in their closure notice indicated that the subject facility has been impacted by imports of softwood lumber from Canada. The petitioner supports this statement by indicating that the United States International Trade Commission, (USITC Publication No. 3426, May 2001) in the conclusion statement ''for the foregoing reasons, we determine there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of softwood lumber from Canada are allegedly subsidized by the Government of Canada and sold in the United States at less than fair value.'' The USITC preliminary decision was established after the original TAA and NAFTA–TAA investigations were completed. The Department does examine current USITC decisions during TAA and NAFTA–TAA investigations for import trends as appropriate. An examination of the USITC investigation revealed that Canadian and aggregate U.S. imports of softwood lumber remained relatively stable in the year 2000 over the corresponding 1999 period. Any increases in imports are relatively small and not a major contributing factor to the ''contributed importantly'' criterion of worker group's eligibility requirements of section 222 of the Trade Act.''

The USITC softwood lumber imports statistics provided in the USITC investigation are basket categories and not specific to softwood dimensional lumber and thus not specific to the products produced at the subject firm.

The USITC preliminary decision focuses on the fact that there is reasonable indication that the softwood lumber industry is threatened with material injury by reason of subject imports of softwood lumber from Canada that are allegedly subsidized and sold at less than fair value. A foreign company subsidizing and selling at less than fair value is also not a relevant factor relating to the ''contributed importantly'' criterion of worker group's eligibility requirements of section 222 of the Trade Act.

The petitioner further alleges that high log prices contributed to Sierra Pacific Industries' decision to close their Loyalton facility.