employment levels at the subject facility did not decline in the relevant period, criterion (1) has not been met.

The company official also asserts that the major customer of the subject firm imported competitive airbags.

In order for import data to be considered, employment declines must have occurred at the subject facility in the relevant period. As criterion (1) has not been met for the petitioning worker group, imports are irrelevant.

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 in Washington, DC, this 19th day of March 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8355 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,904]

B.J. Everett, Old Town, FL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 14, 2003, in response to a petition filed by a company official on behalf of workers at B.J. Everett, Old Town, Florida.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed in Washington, DC, this 26th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8341 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,222]

Bechtel Jacobs Company LLC, Piketon, OH; Notice of Negative Determination Regarding Application for Reconsideration

By application received on August 15, 2002, an attorney acting on behalf of the Paper, Allied-Industrial, Chemical and Energy International Union, Local 5–689, 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 Bechtel Jacobs Company LLC, Piketon, Ohio was signed on July 1, 2002, and published in the **Federal Register** on July 18, 2002 (67 FR 47400).

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 Bechtel Jacobs Company LLC, Piketon, Ohio engaged in activities related to the environmental management services and site restoration activities. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

The union alleges that laid off workers at Bechtel Jacobs Company LLC, Piketon, Ohio were in direct support of United States Enrichment Corporation (USEC), which is currently TAA certified. The union proceeds to assert that, because the union secured ''bumping'' rights for laid-off workers of USEC (allowing them seniority rights in obtaining positions with Bechtel Jacobs), this tie to the TAA certified firm validates the petitioning workers' eligibility. The union also asserts that, as all union-represented employees of Bechtel Jacobs are fomer employees of USEC, the import impact on the certified firm has a direct bearing on the petitioning worker group.

There is no legal affiliation between Bechtel Jacobs and the TAA certified firm. In fact, the union lawyer attests to this, stating that the two companies are ''separate legal entities''. The existence of bumping rights (as established by a union) does not meet the connection required for petitioning worker eligibility based on affiliation to a TAA certified firm.

The petitioner further asserts that, because workers at Bechtel Jacobs are entirely reliant on production levels at USEC, the subject firm workers should be certified.

The fact that service workers are dependant on the production of a trade certified firm does not automatically make the service workers eligible for trade adjustment assistance. Before service workers can be considered eligible for TAA, they must be in direct support of an affiliated TAA certified facility. This is not the case for the Bechtel Jacobs LLC.

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 under certification for TAA.

The petitioner appears to assert that workers laid off from Bechtel Jacobs are being denied eligibility for TAA because they chose to be employed, because if they had refused jobs at Bechtel Jacobs following their lay off from USEC, they would be considered eligible for TAA benefits.

Worker eligibility that is determined by layoffs that occurred at a firm that precedes the last place of employment is determined by the state on an individual basis to determine if the worker(s) meet the various factors under the existing certification during the relevant period.

Finally, the petitioner alleges that in a previous TAA certification of USEC (TA–W–37, 599A), a petition on behalf of workers at Bechtel Jacobs was withdrawn at the request of the Department. The petitioner further asserts that this request for withdrawal was due to the fact that there was already an existing TAA certification on behalf of workers at USEC. In essence, the union asserts that they were informed by the Department that workers of Bechtel Jacobs would be considered part of the petitioning worker group at USEC. As a result of this precedent, the petitioner concludes that the Department itself identified a connection between Bechtel Jacobs and USEC that established grounds for

petitioning worker eligibility for TAA benefits in the current investigation.

The TAA termination of the previous case (TA–W–39, 052) relates to the discovery that, during the verification process, it was revealed that the Bechtel Jacobs LLC workers were employed by USEC and terminated during the relevant period of the USEC TAA certification and thus could be considered eligible under that certification. Since the workers were impacted at USEC during the relevant period, those workers may qualify as terminated workers and thus meet the eligibility requirements as laid off workers of USEC during the relevant period. Thus the decision was made by the Union to withdraw the petition at that time since the workers could qualify under the USEC TAA certification.

Therefore, the petitioning group of workers transfer from USEC to a new company (Bechtel Jacobs) doesn't qualify a TAA certification under the name of Bechtel Jacobs. Bechtel Jacobs workers who were eligible for trade adjustment assistance in the USEC certification met eligibility requirements only because they had been separated from USEC, and thus the state was able to qualify the Bechtel Jacobs workers as separated USEC employees.

As already indicated, since the petitioning worker group in this investigation was not engaged in production, but performed a service (environmental management services and site restoration activities) for an unaffiliated firm, they do not qualify for eligibility under the Trade Act of 1974.

Conclusion

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.

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 18th day of March, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8348 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,386]

Burelbach Industries, Incorporated, Rickreal, OR; Notice of Negative Determination Regarding Application for Reconsideration

By application of February 10, 2003, a petitioner 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 January 13, 2003, and published in the **Federal Register** on February 6, 2003 (68 FR 6211).

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 Burelbach Industries, Inc., Rickreal, Oregon was denied because the ''upstream supplier'' group eligibility requirement of section 222(b) of the Trade Act of 1974, as amended, was not met. The ''upstream supplier'' requirement is fulfilled when the workers' firm (or subdivision) is a supplier to a firm that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification. The workers of Burelbach Industries, Inc., Rickreal, Oregon did not act as an upstream supplier to a trade certified firm.

The petitioner appears to allege that he is applying for trade adjustment assistance on behalf of workers that are import impacted on primary and secondary grounds.

When addressing the issue of import impact, the Department considers imports of products ''like or directly competitive'' in the case of primary impacted firms, or whether the subject firm supplied a component in a product produced by a trade certified firm in the case of secondary impact. As neither the subject firm nor its major declining customers reported imports like or directly competitive with the sawmill equipment produced at the subject firm, primary import impact did not occur. As the subject firm did not produce a component used in the products of their customers, the allegation of secondary import impact is equally invalid.

The petitioner notes that several of the subject firm's customers have been certified for trade adjustment assistance due to import impact and thus appears to imply that the petitioning workers should be eligible for TAA.

As already noted, the declining customers of the subject firm do not import products like or directly competitive with those produced at the subject firm. Further, the subject firm produces sawmill equipment that is used to process timber, but as the equipment does not form a component part of the products produced at the customer firms, subject firm workers do not constitute upstream suppliers of trade certified firms.

The petitioner provides a list of other trade certified firms, claiming that these firms produced the same type of products as the subject firm, and thus appears to allege that the petitioning workers in this case should also be certified.

None of the three firms listed by the petitioner produce products like or directly competitive with the sawmill machinery produced by the subject firm. Of the trade certified firms listed, two were certified on the basis of increased company imports of products like or directly competitive with those produced at the subject firms. In the case of the other firm, workers were certified on the basis of increased customer imports of products like or directly competitive with those produced at the subject firm. In contrast to the trade certified firms described above, neither Burlebach Industries nor its customers reported imports of competitive sawmill machinery.

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.