a new plant located in Belgium that produces the same product as the subject firm.

A review of the initial investigation shows that the Belgium plant produced scissor lift aerial work platforms exclusively for the European market.

The company also filed a request dated March 5, 2002 for administrative reconsideration of the Department's negative determination regarding eligibility to apply for TAA. However, the request was received beyond the 30 day requirement to apply from the date the decision was published in the **Federal Register**.

That request expressed concerns that a major foreign producer of products, like or directly competitive with what the subject plant produced cut into the subject firm's market share after the closure of the subject firm.

The survey conducted by the Department of Labor examines the customer's purchases of products like or directly competitive with what the subject plant produces during the relevant time period. The survey requests information regarding customer's purchases from the subject firm, purchases from other domestic sources (including a breakout of imported products purchased from other domestic sources) and purchases of imported products ''like or directly competitive'' with what the subject plant produces. The survey shows that the respondents reported simultaneous declines in their purchases from the subject firm, other domestic sources and imports, indicating that the layoffs at the subject plant are a factor of reduced demand rather than ''imports contributing importantly'' to the layoffs at the subject plant.

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 6th day of May, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–13537 Filed 5–29–02; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,593]

Muruta Electronics, North America Inc., State College Operations, State College, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 5, 2002, the workers 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 February 20, 2002, and published in the **Federal Register** on March 5, 2002 (67 FR 9324).

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 Muruta Electronics, North America Inc., State College Operations, State College, Pennsylvania 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 capacitors, while decreasing their purchases from the subject firm during the relevant period. The investigation further revealed that the subject firm decreased their purchases of imported capacitors during the relevant period.

The petitioner believes that the company shifted a meaningful portion of plant capacitor production to a foreign source, and is importing the capacitors back to the State College plant.

A review of the data supplied by the company during the initial investigation shows that company capacitors imports declined during the relevant period. In fact, the imports declined at a greater rate than the capacitor production at the subject plant.

The petitioner also feels that the survey results may not reflect accurate reported customer capacitor imports, since customers may not know if the capacitors they purchased were produced at the subject firm or produced in a foreign country.

One customer reported that they were not sure if the capacitors purchased from the subject firm were produced domestically or imported. That customer, however, estimated the amounts they believed were imported during the specified periods of the survey. That respondent and the other respondent(s) reported capacitor imports declined sharply during the relevant period.

Further review shows that aggregate U.S. imports of capacitors declined sharply in 2001 over the corresponding 2000 period, followed by further steep declines during the January through February 2002 period over the corresponding 2001 period.

Based on the declining import factors discussed above, imports did not ''contribute importantly'' to the declines in employment at the subject firm.

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 6th day of May, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–13538 Filed 5–29–02; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,453]

Penley Corp., West Paris, ME; Notice of Revised Determination on Reconsideration

By letter of March 24, 2002, the company 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 March 1, 2002, based on the finding that imports of wooden spring clothespins did not contribute importantly to worker separations at the subject plant. The denial notice was published in the **Federal Register** on March 20, 2002 (67 FR 13012).

To support the request for reconsideration, the company in their request for reconsideration indicated that they were importing clothespins.

A review of the allegation and information provided by the company shows that the company began importing clothespins during the relevant period. The company further indicated that all production at the subject firm is being replaced by imported clothespins, thus impacting the workers at the subject plant.

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 Penley Corporation, West Paris, Maine 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 Penley Corporation, West Paris, Maine, who became totally or partially separated from employment on or after December 6, 2000 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 9th day of May, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–13546 Filed 5–29–02; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,368]

SEH–America, Vancouver, WA; Notice of Negative Determination Regarding Application for Reconsideration

By application received February 26, 2002, the 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 was signed on January 2, 2002 and published in the **Federal Register** on January 11, 2002 (67 FR 1511).

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 SEH–America, Vancouver, Washington engaged in the production of polished silicon wafers (6 & 8 inch), 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 subject firm did not import 6-inch silicon wafers produced by SEH–America at Vancouver, Washington. The subject firm has always imported 8-inch wafers (a different product entirely), but company imports of that item have been declining in recent years.

The investigation further revealed that the subject firm intended to shift some 6-inch wafer production offshore, and in the future import the product back into the U.S. for sale and distribution in this country. The move, however, was scheduled for later in 2002.

The petitioner alleges that another company was certified under NAFTA–Transitional Adjustment (NAFTA–TAA) when that company shifted their production to Mexico and thus feels that a shift in 6-inch wafer production by the subject firm to Malaysia should qualify the workers of SEH–America, Vancouver, Washington eligible to apply for TAA.

Under NAFTA–TAA, a shift in subject plant production to Mexico or Canada normally meets the eligibility requirements. However, under TAA a shift in plant production to any foreign source is not relevant to meeting the eligibility requirement of section 222(3) of the Trade Act of 1974. Imports ''like or directly competitive'' with what the subject plant produced must ''contribute importantly'' to the layoffs at the subject firm. The imports must be entering the Untied States during the relevant period.

A review of the initial decision shows that imports of the 6-inch wafers were not scheduled to begin arriving until mid-2002, well beyond the relevant period of the investigation. The workers were advised to submit a new petition during the relevant period of time the 6-inch wafers were scheduled to arrive into the United States from Malaysia.

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 decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 30th day of April, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–13544 Filed 5–29–02; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,295]

TNS Mills, Spartanburg, SC; Notice of Negative Determination Regarding Application for Reconsideration

By application post marked on February 4, 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 was signed on December 31, 2001 and published in the **Federal Register** on January 11, 2002 (67 FR 1510).

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 TNS Mills, Spartanburg, South Carolina engaged in the production of greige bottom-weight cotton rich apparel fabrics, 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