plans, and illustrations of * * * components from engineering * * * specifications'' as ''drafting services'' (NAICS 541340). Another code that describes ''engineering in the design, development, and utilization of machines'' (emphasis added) is classified within a code that signifies services (specifically, NAICS 541330).

Workers of Murray Engineering neither make a product nor transform an existing product into something new and different. The Department thoroughly investigated and could not find any evidence that workers of Murray Engineering produced any articles or that the petitioners transformed anything into something new and different; to the contrary, the evidence cited above supports a conclusion that the Murray workers did not produce an article. Consequently, they are not eligible for certification as production workers.

The second issue is whether the workers of Murray Engineering are adversely-affected secondary workers.

In the August 1, 2003 letter to the Department, the plaintiff asserts that: (1) Murray Engineering was a supplier of designs to a TAA-certified company (Lamb Technicon, Machining Systems, Warren, Michigan) and that such supply is related to the article that was the basis for certification (automated metal removal equipment, transfer lines, and dial transfers); and (2) Lamb Technicon accounted for at least twenty percent of Murray Engineering's production or sales or otherwise must have contributed importantly to the workers' separations. These assertions appear to be provided in an attempt to show that the subject firm workers should be certified as eligible to apply for TAA on the basis of serving as secondary upstream suppliers.

In order to be eligible as secondary suppliers, the petitioning worker group must have produced a component part of the product that is the basis of the TAA certification. Because Murray Engineering did not produce a component part of the automated metal removal equipment produced by Lamb Technicon, they were not secondary suppliers of a TAA-certified facility, as required by the relevant TAA legislation. Even if, as plaintiff asserts, the subject firm workers' design specifications were sometimes mounted or affixed on their customers' manufacturing equipment, such mounting or affixment were not necessary for the equipment to function properly and, thus, were not component parts.

Further, the subject firm's business with Lamb Technicon ceased prior to the beginning of the investigative period. The subject firm workers' petition was dated January 15, 2003 and instituted on January 16, 2003. Therefore, the relevant investigative period is 2001 and 2002. However, according to the subject firm official, Murray Engineering did no business with Lamb Technicon after 1999. Therefore, Lamb Technicon did not account for at least twenty percent of Murray Engineering's production or sales, nor did loss of business with this customer contribute importantly to the subject firm, during the relevant period.

Finally, the petitioner argues that Complete Design Service did the same work as Lamb Technicon and, thus, should be certified for TAA. The workers of Lamb Technicon were certified (TA–W–40,267 & TA–W–40,267A) based on the fact that the workers were engaged in employment related to the production of articles (automated metal removal equipment, transfer lines, and dial transfers). Any workers who may have been engaged in design and engineering solutions at Lamb Technicon were included in the certification because their separation was caused importantly by a reduced demand for their services due to a decline in manufacturing by their subject firm, or a parent firm, or a firm otherwise related to their firm by ownership or control. Additionally, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification, and the reduction must directly relate to the product impacted by imports. These conditions in meeting the TAA eligibility requirements were met for workers in support activities at Lamb Technicon. However, workers at Murray Engineering, Inc., Complete Design Center, Flint, Michigan do not meet these criteria and, thus, may not be certified based on Lamb Technicon's workers' certification.

Conclusion

Under section 222 of the Act, what is relevant to determining whether a worker group is eligible for TAA certification is whether the workers' firm or an appropriate subdivision of the workers' firm produced an article.

The workers' firm in this case is Murray Engineering, Complete Design Service, Flint, Michigan. The evidence clearly establishes that Murray Engineering does not produce, directly or through an appropriate subdivision, an article within the meaning of the Trade Act. Once the Department concludes that the workers' employer was not a firm that produced an article, it must conclude that the workers are not eligible for assistance. Because the petitioners are employees of a firm or subdivision that does not produce an article within the meaning of the Trade Act, they are not eligible for certification.

As the result of the findings of the investigation on voluntary remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Murray Engineering, Complete Design Service, Flint, Michigan.

Signed at Washington, DC this 20th day of August, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–23000 Filed 9–9–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5051]

Quality Fabricating, Inc., North Huntington, PA; Affirmative Finding Regarding Qualification as a Secondarily Affected Worker Group Pursuant to the Statement of Administrative Action Accompanying the North American Free Trade Agreement (NAFTA) Implementation Act

The Department of Labor herein presents the results of an investigation regarding qualification as a secondarily impacted firm, pursuant to the Statement of Administrative Action accompanying the North American Free Trade Agreement (NAFTA) Implementation Act.

In order for an affirmative finding to be made, the following requirements must be met:

(1) The subject firm must be a supplier—such as of components, unfinished or semi-finished goods—to a firm that is directly affected by imports from Mexico or Canada of articles like or directly competitive with articles produced by that firm or shifts in production of such articles to those countries; or

(2) The subject firm must assemble or finish products made by a directly-impacted firm; and

(3) The loss of business with the directly affected firm must have contributed importantly to worker separations at the subject firm.

The investigation revealed that requirements (1) and (3) are met.

Quality Fabricating, Inc., North Huntington, Pennsylvania, produces

sheet metal component parts, which it supplied to a manufacturer of cable television amplifiers. Evidence revealed that this customer, to whom the subject firm supplied sheet metal component parts, shifted production to Mexico while reducing purchases from the subject firm. The subject firm's employment declined, in part, because of the loss of this customer.

Based on this evidence, I determine that workers of Quality Fabricating, Inc., North Huntington, Pennsylvania, qualify as secondarily affected pursuant to the Statement of Administrative Action accompanying the North American Free Trade Agreement Implementation Act.

For further information on assistance under Title I of the Workforce Investment Act (WIA), which may be available to workers included under this determination, contact:

Ms. Diane Bosak, Chief Operating Officer, Team Pennsylvania Workforce Investment Board, 901 North Seventh Street, Harrisburg, Pennsylvania 17120, Telephone: (717) 772–4966, FAX: (717) 783–4660.

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

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–22994 Filed 9–9–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,009]

Robert Bosch Tool Corporation (Formerly the Vermont American Corporation) Engineering Center, Louisville, KY; Notice of Negative Determination Regarding Application for Reconsideration

By a letter postmarked July 17, 2003, petitioners 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 May 28, 2003 and published in the **Federal Register** on June 19, 2003 (68 FR 36845).

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 Robert Bosch Tool Corporation, Engineering Center, Louisville, Kentucky, engaged in the production of one-of-a-kind machinery utilized at other affiliated company facilities, was denied because the ''contributed importantly'' or shift in production group eligibility requirements of Section 222 of the Trade Act of 1974 were not met. Increased imports did not contribute importantly to worker separations at the subject plant and the company did not shift production to a foreign source.

The petitioners produced machinery which is used to manufacture power tools. They allege that they should be certified eligible for TAA because manufacturing divisions of Robert Bosch have shifted production of power tools and/or power tool components to foreign countries.

Despite their indication that they are ''secondary workers'', it is not clear from the wording of the reconsideration request whether the petitioners are appealing on the basis of primary or secondary impact.

Given that the initial investigation revealed that there was no import impact or shift of production of the subject firm product (machines for producing power tools) to a foreign source, the petitioning worker group would have to supply a TAA certified affiliated facility in order to be eligible for certification under primary impact. The initial investigation revealed that, although there are three Robert Bosch Corporation facilities that are under active TAA certification, none of these facilities were supplied by the subject facility.

In order to be eligible for TAA certification under secondary impact, the petitioning worker group must either supply a component part of a product that is the basis of a TAA certification for a customer firm (upstream supplier), or assemble or finish a product that is the basis of TAA certification for a customer firm (downstream producer). As the petitioners produce a machine that produces power tool components, they are neither an upstream supplier nor a downstream producer of power tool components.

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 12th day of August, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–22997 Filed 9–9–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,402 and TA–W–50,402A]

Tillotson Healthcare Corporation Now Known as North Country Manufacturing, Dixville Notch, New Hampshire; Tillotson Healthcare Corporation, Rochester, New Hampshire; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 10, 2003, applicable to workers of Tillotson Healthcare Corporation, Dixville Notch, New Hampshire. The notice was published in the **Federal Register** on February 6, 2003 (68 FR 6211).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of medical examination gloves.

New information shows that Dynarex Corporation purchased Tillotson Healthcare Corporation on January 30, 2003. The subject firms' Dixville Notch, New Hampshire location is now known as North Country Manufacturing. Workers separated from employment at the Dixville Notch, New Hampshire location had their wages reported under a separate unemployment insurance (UI) tax account for North Country Manufacturing.

Information also shows that worker separation occurred at the Rochester, New Hampshire location of Tillotson Healthcare Corporation. The workers provide distribution and warehousing services for the Dixville Notch, New