

Martinsville, Virginia, a firm affiliated with and substantially beneficially owned by the same persons who own the subject firm, contributed importantly to the declines in sales or production and to the total or partial separation of workers at that firm, as determined by the Department in TA-W-54,339. Because the subject firm may be considered to be a single firm with Active Wear under the Department's definition of "firm," and the subject group of Major League workers are an appropriate subdivision of that firm for trade adjustment assistance certification requirements because it operated in conjunction with Active Wear's Martinsville facility, increased imports also are found to have contributed importantly to the firm's sales or production and worker separations (and threatened separations) at the subject worker group.

On September 23, 2004, the petitioner filed an appeal with the U.S. Court of International Trade. By order dated October 29, 2004, the court has granted the Department leave to file this determination.

### Conclusion

After careful review of the additional facts obtained on reconsideration and the entire record, I conclude that increased imports of like or directly competitive articles contributed importantly to the Major League/Active Wear firm and the total or partial separation of workers in the subject group. In accordance with the provisions of the Act, I make the following certification:

All workers of Major League, Inc., Mount Airy, North Carolina (TA-W-54,674), Major League, Inc., Jasper, Georgia (TA-W-54,674A), Major League, Inc., McAllen, Texas (TA-W-54,674B), Major League, Inc., San Antonio, Texas (TA-W-54,674C), and Major League, Inc., Martinsville, Virginia (TA-W-54,674D) who became totally or partially separated from employment on or after March 24, 2003 through two years of this certification, are eligible to apply for trade adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 3rd day of November 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,590]

#### New DHC, Southwest Harbor, ME; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on September 13, 2004 in response to a worker petition filed by a company official on behalf of workers of New DHC, Southwest Harbor, Maine.

The petition regarding the investigation has been deemed invalid. The petitioner is not an official of New DHC. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 21st day of October 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the periods of October 2004.

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

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) 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; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20