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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-58,246]

Fibrex, LLC; Formerly Known as Wellington Cordage, LLC; Currently Known as the Lehigh Group; Madison, GA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974, (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on November 28, 2005, applicable to workers of Fibrex, LLC, formerly known as Wellington Cordage, LLC, Madison, Georgia. The notice was published in the **Federal Register** on December 21, 2005 (70 FR 75842).

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 rope (i.e. cordage).

The subject firm originally named Fibrex, LLC, formerly known as Wellington Cordage, Madison, Georgia, became known as The Lehigh Group in January 2006 due to a change in ownership. The State agency reports that workers wages at the subject firm are being reported under the Unemployment Insurance (UI) tax account for The Lehigh Group, Madison, Georgia.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Fibrex, LLC, formerly known as Wellington Cordage, LLC, Madison, Georgia, who were adversely affected by increased company imports.

The amended notice applicable to TA-W-58,246 is hereby issued as follows:

All workers of Fibrex, LLC, formerly known as Wellington Cordage, LLC, currently known as The Lehigh Group, Madison, Georgia, who became totally or partially separated from employment on or after November 27, 2005, through November 28, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 2nd day of February 2007.

Linda G. Poole,

*Certifying Officer, Division of Trade
 Adjustment Assistance.*

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-60,059]

Hoover Precision Products, Inc.; Washington, IN; Notice of Revised Determination on Remand

On December 13, 2006, the United States Court of International Trade (USCIT) granted the Department of Labor's request for voluntary remand in *Former Employees of Hoover Precision Products, Inc. v. United States* (Court No. 06-00381).

In the September 11, 2006 Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) petition, a company official indicated that Hoover Precision Products, Inc., Washington, Indiana (subject facility) was a distribution and warehouse center of carbon steel balls, that the facility was scheduled to close on September 15, 2006, and that three workers would be separated as a result of the closure. In support of the petition, the company official cited NAFTA-4916 (certified on June 18, 2001; shift of production to Mexico).

During the initial investigation, it was revealed that the subject facility was engaged in warehousing and distributing articles produced at an affiliated facility in Mexico, and that the warehousing and distributing functions were shifting to an affiliated facility in Georgia.

Based on information obtained during the initial investigation, the Department determined that the subject workers were ineligible to apply for TAA because they did not produce an article within the meaning of Section 222(a)(2) of the Trade Act of 1974.

On September 15, 2006, the Department issued a negative determination regarding workers'

eligibility to apply for workers adjustment assistance for the subject workers. The Department's Notice of determination was published in the **Federal Register** on September 26, 2006 (71 FR 56172).

By application dated September 29, 2006, three workers requested administrative reconsideration of the Department's negative determination. In the request for reconsideration, the workers stated that "Washington, IN is a distribution facility. We distributed components to companies who manufactured them into their finished products. Hoover Precision in Indiana has lost a substantial amount of business from at least 3 companies who are TAA certified. This qualifies our company in Washington, IN as secondary workers affected by foreign trade."

For purposes of the Trade Act, a secondarily-affected company is a company that either supplies components parts for articles produced by a firm with a currently TAA-certified worker group or is an assembler or finisher for a firm with a currently TAA-certified worker group.

In order to be certified as eligible to apply for TAA as workers of a secondarily-affected company, the following eligibility requirements must be met:

- (1) The workers' firm or appropriate subdivision produced an article during the one year period prior to the petition date; and
- (2) A required minimum of the workforce has been laid off in the 12 months preceding the date of the petition or is threatened with layoffs (3 workers in groups of fewer than 50, or 5% of the workforce in groups of 50 or more); and
- (3) Loss of business (during the relevant period) as a supplier of component parts, a final assembler, or a finisher for a firm that is currently TAA-certified contributed importantly to an actual decline in sales or production, and to a layoff or threat of a layoff.

By letter dated October 3, 2006, the Department dismissed the workers' request for reconsideration because the subject facility did not produce an article, the workers were service workers who processed imported articles, and the workers were not eligible for TAA as workers of a secondarily-affected company. The Department's Notice of Dismissal of Application for Reconsideration for the subject facility was published in the **Federal Register** on October 16, 2006 (71 FR 60766).

By letter dated October 9, 2006, the workers appealed to the USCIT for judicial review. The Plaintiffs alleged that they were production workers and