

Pennsylvania, and Agere Systems, Optoelectronics Division, Reading, Pennsylvania producing optoelectronics, were 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 the workers' firm's customers. The survey revealed no increased customer imports of optoelectronics during the relevant period. The investigation further revealed that imports of optoelectronics by the company were negligible.

The NAFTA-TAA petitions for the same worker groups were denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. A survey was conducted and revealed that customers did not increase their imports of optoelectronics from Mexico or Canada during the relevant period. The subject firm did not import optoelectronics from Mexico or Canada, nor was production of optoelectronics shifted from the workers' firm to Mexico or Canada.

The petitioners allege that plant production is being shifted to Asia and Mexico and that the products will be imported back to the United States.

The petitioners supplied information concerning the company's manufacturing strategy concerning the transfer of plant production to Asia, in conjunction with various other factors that are scheduled to occur. The planned transfer and potential imports are beyond the relevant period of the initial investigation and thus could not be considered during the investigation.

The petitioners further allege that certain products produced by the subject plant were being outsourced to Canada and/or Mexico.

Based on data supplied by the company, only negligible amounts of products produced by the subject plant were being outsourced to foreign sources.

The petitioners also indicated that some modulators, similar to those produced by the subject plant, are scheduled to be made in Singapore.

The shift in production to Singapore does not meet the "contributed importantly" test unless the product was imported back to the United States during the investigation period.

The majority of the information recently provided by the petitioners concerns a time period following the initial decision. The petitioner with their request for reconsideration, attached new TAA and NAFTA-TAA

petitions for the Breiningsville, Pennsylvania plant. Those petitions will be instituted shortly. The Department based on the information provided during reconsideration is also initiating new TAA and NAFTA-TAA investigations for the Reading, Pennsylvania location.

### 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 15th day of January, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-38,893 and NAFTA-04613]

#### The Budd Company Stamping and Frame Division Philadelphia, PA; Notice of Negative Determination of Reconsideration

On November 30, 2001, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 26, 2001 (66 FR 66467).

The Department initially denied TAA to workers of The Budd Company, Stamping and Frame Division, Philadelphia, Pennsylvania because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. None of the respondents increased their import purchases of automotive stampings and assemblies, while reducing their purchases from the subject firm.

The Department denied NAFTA-TAA because the "contributed importantly" group eligibility requirement of section 250 was not met and because there was no shift in production to either Mexico or Canada. None of the customers increased their import purchases of automotive stampings and assemblies from Canada or Mexico, while reducing their purchases from the subject firm during the relevant period.

The workers at the subject firm were engaged in employment related to the production of automotive stampings and assemblies.

The petitioner indicated that the subject firm opened a new stamping plant in Silao, Mexico during the fall of 2000. The petitioner further stated that the opening of the Mexican plant resulted in a significant shift in plant production to Mexico.

On reconsideration, the Department contacted the company for an explanation of the alleged shift in plant production to Mexico. The company indicated that no work performed at The Budd Company, Stamping and Frame Division, Philadelphia, Pennsylvania was shifted to their joint venture facility located in Mexico. The company further indicated that they did not import products like and directly competitive with what the subject plant produced back to the United States during the relevant period.

### Conclusion

After reconsideration, I affirm the original notice of negative determinations regarding eligibility to apply for worker adjustment assistance and NAFTA-Transitional Adjustment Assistance for workers and former workers of The Budd Company. Stamping and Frame Division, Philadelphia, Pennsylvania.

Dated: Signed at Washington, DC, this 2nd day of January 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-38,424 and NAFTA-4441]

#### Georgia Pacific Chip and Saw Plant, Baileyville, ME; Notice of Revised Determination on Reconsideration

By letter dated April 12, 2001, the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 1-1367 (PACE), requested administrative reconsideration of the Department's denial of TAA and NAFTA-TAA for workers of the subject firm. Workers at Georgia Pacific Corporation, Chip-and-Saw, Baileyville, Maine, are engaged in the production of softwood dimensional lumber.

On March 14, 2001 and March 13, 2001, the Department of Labor issued Negative Determination Regarding Eligibility to apply for Trade Adjustment Assistance (TAA) and NAFTA-Transitional Adjustment Assistance (NAFTA-TAA), respectively, applicable to workers and former workers of the subject firm. The TAA and NAFTA-TAA decisions were published in the Federal Register on April 16, 2001 (66 FR 19520) and (66 FR 169522), respectively.

The TAA petition 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 the workers' firm's customers. The investigation revealed that none of the subject firm customers reported increased import purchases of softwood lumber (dimensional).

The NAFTA-TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There was no shift of production from the subject firm to Canada or Mexico, nor did the company import softwood lumber from Canada or Mexico. The Department conducted a survey of major customers of the subject firm regarding purchases of softwood lumber (dimensional). The survey revealed that the customers did not significantly increase import purchases of softwood lumber from Canada or Mexico.

In the request for reconsideration, PACE asserts that there was a contradiction in the TAA and NAFTA-TAA decisions, inasmuch as in the TAA petition denial, the finding that import purchases by the subject company of softwood dimensional lumber declined during the relevant time periods, while the NAFTA-TAA petition denial found the subject firm does not import softwood lumber.

The Department concurs with the PACE on this issue. On reconsideration, the Department conducted further import analysis. The analysis revealed that Georgia Pacific maintained a reliance on imports of softwood lumber from Canada and other sources, while reducing production and employment at the Chip and Saw Plant located in Baileyville, Maine.

From 1999 to 2000, U.S. imports of softwood lumber from Canada increased absolutely and relative to domestic production and consumption.

## Conclusion

After careful review of the application and investigative findings on reconsideration, I conclude that increased imports, including those from Canada of articles like or directly competitive with softwood lumber, contributed importantly to the decline in sales or production and to the total or partial separation of workers of the subject firm. In accordance with the provisions of the Trade Act, I make the following certification:

All workers of Georgia Pacific, Chip and Saw Plant, Baileyville, Maine, engaged in employment related to the production of softwood lumber, who became totally or partially separated from employment on or after December 2, 1999, through two years from issuance of the revised determination, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974; and

All workers of Georgia Pacific, Chip and Saw Plant, Baileyville, Maine, engaged in employment related to the production of softwood lumber, who became totally or partially separated from employment on or after January 2, 2000, through two years from the issuance of this revised determination, are eligible to apply for NAFTA-TAA under section 250 of the Trade Act of 1974.

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

**Edward A. Tomchick,**

*Director, 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 and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of January, 2002.

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

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations for worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

*TA-W-40,358; Pennsylvania Tool and Gages, Inc., Meadville, PA*

*TA-W-39,522; JLG Industries, Inc., Bedford, PA*

*TA-W-39,302; Honeywell Aircraft Landing Systems, South Bend, IN*

*TA-W-40,564; Texfi Industries, New York, NY*

*TA-W-40,314 & A; Trout Lake Farm LLC, Trout Lake, WA and Moses Lake, WA*

*TA-W-40,451; Modern Prototype, Troy, MI*

*TA-W-39,907; Alcoa Fujikura Ltd, Optical Fiber Systems, Houston, TX*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

*TA-W-39,056; Peerless Pattern Works, Portland, OR*

*TA-W-39,433; The Penn Companies, St. Peters, MO*

*TA-W-40,071; PTC Alliance, Darlington, OH*

*TA-W-40,275; Tyco Electronics, Fiber Optics Div., Glen Rock, PA*

*TA-W-40,435; Telaxis Communications, South Deerfield, MA*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-40,560; DataMark, Inc., El Paso, TX*

*TA-W-40,479; Gate Gourmet International, Unit 498, Charlotte, NC*

*TA-W-40,441; Road Machinery Co., Bayard, NM*

*TA-W-40,562; Lake Superior and Ishpeming Railroad Co., Marquette, MI*

*TA-W-39,919; Antec/Keptel, Tinton Falls, NJ*