

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 2003.

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, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases 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 of such firm or subdivision.

**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-42,108; *Harvard Industries, Inc.*, Jackson, MI.

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

The investigation revealed that criterion (a)(2)(A) (I.A.) (No employment declines) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,320; *American Bag Corp.*, Stearns Plant, Stearns, KY.

The investigation revealed that criterion (a)(2)(A) (I.B.) (No Sales or Production declines) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,274; *Neenah Foundry Co.*, Neenah, WI.

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,237; *Pass and Seymour Legrand*, a Subsidiary of *Legrand*, Dallas, NC.

TA-W-50,254; *Precision Tool and Design, Inc.*, Erie, PA.

TA-W-50,221; *Ericsson Wireless Communications*, San Diego, CA.

TA-W-50,019 & A; *Domtar A.W.*, Wisconsin Operations, Port Edwards, WI and *Nekoosa*, WI.

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

TA-W-50,319; *Affiliated Computer Services*, Libertyville, KY.

TA-W-50,399; *Computer Horizons Corp.*, Irving, TX.

The investigation revealed that criteria (2) has not been met. The workers' firm (or subdivision) is not a supplier or downstream producer for trade-affected companies.

TA-W-50,333; *The Rockford Co.*, Custom Metal Products Div., Rockford, IL.

The investigation revealed that criteria (2) has not been met. The workers' firm (or subdivision) is not an upstream supplier of components for trade-affected companies.

TA-W-50,328; *Crane Manufacturing and Services Corp.*, Cudahy, WI.

**Affirmative Determinations for Worker
Adjustment Assistance**

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA-W-42,268; *Frazer and Jones Co.*, a Division of *The Eastern Co.*, Saway, NY: October 2, 2001.

TA-W-42,330; *Alcoa, Inc.*, Cleveland, OH: November 1, 2001.

TA-W-42,331; *PHB Die Casting*, a Subsidiary of *PHB, Inc.*, Fairview, PA: October 15, 2001.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of section 222 have been met.

TA-W-50,310; *Mossberg Reel LLC*, a Wholly Owned Subsidiary of *Boxy S.P.A.*, Cumberland, RI: December 6, 2001.

TA-W-50,154; *Aurafin-OroAmerica LLC*, Burbank, CA: November 12, 2001.

TA-W-50,290; *Sipex Corp.*, Billerica, MA: November 6, 2001.

TA-W-50,289; *Metolius Mountain Products, Inc.*, Bend, OR: November 22, 2001.

TA-W-50,272; *Hitachi Magnetics Corp.*, Edmore, MI: December 3, 2003.

TA-W-50,257; *Electric Steel Castings Co.*, Indianapolis, IN: December 5, 2001.

TA-W-50,230; *Mount Vernon Mills, Inc.*, Johnston, SC: December 2, 2001.

TA-W-50,193; *Dan River, Inc.*, Greenville, SC: November 6, 2001.

TA-W-50,187; *Crown Castings, Inc.*, Midland Park, NJ: November 19, 2001.

TA-W-50,166; *L. Chessler, In*, Philadelphia, PA: November 21, 2001.

TA-W-50,152; *Kennecott Rawhide Mining Co.*, Denton Rawhide Mine, Fallon, NE: November 20, 2001.

TA-W-50,004 & A; *Spang and Company*, Magnetics Div., East Butler, PA and *Booneville*, AR: November 4, 2001.

TA-W-50,038; *Hitachi Metals America, LTD*, HI *Specialty America*, Irwin, PA: November 5, 2001.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 have been met.

TA-W-50,346; *Square D Company*, Including *Leased Workers of Adecco*, Columbia, MO: December 10, 2001.

TA-W-50,124; *Thomson, Inc.*, Research and Development, Lancaster, PA: November 8, 2001.

TA-W-50,200; *Wabash Alloys, L.L.C.*, Benton, AR: November 25, 2001.

TA-W-50,377; *Trans World Connection, LTD*, Lynchburg, VA: December 12, 2001.

TA-W-50,189; *Temco Fireplace Products*, Manchester, TN: November 21, 2001.

I hereby certify that the aforementioned determinations were issued during the month of January 2003. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 10, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-40,275 & NAFTA-05163]

Tyco Electronics, Fiber Optics Division; Glen Rock, PA; Notice of Negative Determination on Reconsideration on Remand

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a voluntary remand for further investigation in *Former Employees of Tyco Electronics, Fiber Optics Division v. U.S. Secretary of Labor*, No. 01-00152.

The Department's initial denial of Trade Adjustment Assistance (TA-W-40,275) for the workers of Tyco Electronics, Fiber Optics Division, Glen Rock, Pennsylvania was issued on January 14, 2002, and published in the **Federal Register** on January 31, 2002 (67 FR 4749), was based on the finding that the "contributed importantly" criterion of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. The subject company did not import fiber optic cable connectors during the relevant period. The predominant cause of the work separations was related to a domestic transfer of production to an affiliated facility in Harrisburg, Pennsylvania.

The Department's initial denial of NAFTA-Transitional Adjustment Assistance (NAFTA-5163) for the workers of Tyco Electronics, Fiber Optics Division, Glen Rock, Pennsylvania was issued on September 28, 2001, and published in the **Federal Register** on October 19, 2001 (66 FR 53252), was based on the finding that the criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. The predominant cause of the worker separations was related to a domestic transfer of production to an affiliated facility in Harrisburg, Pennsylvania.

On January 22, 2002 Department of Labor issued a Notice of Negative Determination Regarding Application for Reconsideration for NAFTA-5163 and published in the **Federal Register** on February 5, 2002 (67 FR 5299). The

petitioner alleged that plant production was shifted to an affiliated plant located in Mexico. Information provided by the company show that any plant production shifted to Mexico was negligible during the relevant period. The overwhelming (over 98%) portion of subject plant production was transferred to Harrisburg, Pennsylvania during the relevant period.

The petitioners on reconsideration also supplied a list of products that they indicated transferred to Mexico. The overwhelming majority of these products were transferred prior to the relevant time frame of the investigation. Some of these products were produced at the subject firm only when orders required quick turn around time. The majority of these products were produced at a sister facility located in Harrisburg when quick turn around time was required. The quick turn around products equivalent to what the Mexican plant produced were produced at the subject plant.

Also, on reconsideration the petitioner also claimed that the plant workers trained workers from an affiliated Mexican plant. The workers did train workers from the Mexican plant during the relevant time frame. However, the training related to only a negligible portion of production performed at the subject plant.

On remand, the Department contacted a company official requesting company-wide sales figures of the article(s) produced at the subject firm plant and a list of the major declining customers of the subject plant.

The company supplied sales figures for the Fiber Optics Division showing increases in sales from 1999 to 2000 and sales declines from the January through September 2001 period over the corresponding 2000 period.

Since the company reported declining sales at the Fiber Optics Division during the relevant period, the Department conducted a survey of the major declining customers of the subject firm regarding their purchases of fiber optic cable assemblies, components and value added enclosures during 1999, 2000 and January through September 2001 over the corresponding 2000 period.

The survey revealed that one respondent did not increase their imports of products like or directly competitive with what the subject plant produced, while decreasing their purchases from the subject firm. Another major customer reported no direct import purchases during 1999, 2000 and January through September 2001. However, this customer reported that a small percentage of the products produced were indirect imports

(products purchased from a domestic source that were wholly manufactured in a foreign country) during September 2001, well after the decision by the subject firm to transfer production to Harrisburg, Pennsylvania and during the time of the completion of the domestic transfer. The amount of the customer's reported indirect imports was relatively low in relation to the customer's total domestic purchases.

Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Tyco Electronics, Fiber Optics Division, Glen Rock, Pennsylvania.

Signed at Washington, DC this 15th day of January 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-39,926]

Anvil Knitwear, Inc.; Kings Mountain, North Carolina; Notice of Revised Determination On Remand

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for voluntary remand for further investigation of the negative determination in *Former Employees of Anvil Knitwear, Inc. v. U.S. Secretary of Labor* (Court No. 02-00153).

The Department's initial denial of the petition for employees of Anvil Knitwear, Inc., Kings Mountain, North Carolina was issued on December 4, 2001, and published in the **Federal Register** on December 26, 2001 (66 FR 66428). The denial was based on the fact that criterion (3) of the Group Eligibility Requirements of section 222 of the Trade Act of 1974, as amended, was not met. Imports did not contribute importantly to worker separations at the subject firm.

On remand, the Department obtained new information and clarification from the company regarding the internal flow of the fabrics produced by the subject plant.

New data supplied by the company show that the overwhelming majority of the fabric produced by the subject plant was shipped to an affiliated plant, Anvil