

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 misinterpretation of facts or of the law justified reconsideration of the decision.

The denial of NAFTA-TAA for workers providing warehousing, maintenance and security at Imperial Home Decor Group, Plattsburgh, New York, as based on the finding that the workers do not produce an article as required for certification under section 250(a) of the Trade Act of 1974, as amended.

The petitioner claims that the workers engaged in the warehousing, maintenance and security at the subject plant should be certified for eligibility under NAFTA-TAA since the plant was under an existing certification (NAFTA-02904), which expired on March 22, 2001. The petitioner further states that warehouse functions were transferred to Canada.

Review of the investigation shows that no production has been performed at the subject firm since November 1998. They were not in direct support of a certified facility producing a product during the relevant period. All workers terminated during the NAFTA-TAA certification (NAFTA-02904) period are eligible to apply for benefits.

Since no production at the subject firm has been performed after November 1998, the workers terminated after March 22, 2001 cannot be considered engaged in production as required in Section 250(a) of the Trade Act, as amended. The workers are considered for eligibility based on what they did during the relevant period and cannot be connected to the previous

certification or previous plant production that was done before the relevant period of the investigation.

Workers of Imperial Home Decor Group, Plattsburgh, New York may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership, or a firm related by 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 have not been met for workers at the subject firm.

Further, any shift in warehousing functions to Canada as depicted by the petitioner, does not meet the eligibility requirements for the same reason as discussed above.

### 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 30th day of November, 2001.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American

Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under section 250(b)(1) of subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than December 28, 2001.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than December 28, 2001.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 5th day of December, 2001.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

## APPENDIX

| Subject firm                           | Location               | Date received at Governor's office | Petition No. | Articles produced              |
|--|------------------------|------------------------------------|--------------|--------------------------------|
| Indiana Knitwear—Willacy Apparel (Co.) | Lyford, TX .....       | 11/13/2001                         | NAFTA-5,539  | Sportswear apparel.            |
| Plaid Clothing (UNITE) .....           | Erlander, KY .....     | 10/30/2001                         | NAFTA-5,540  | Men's tailored clothing.       |
| Donaldson Aercology (Co.) .....        | Old Saybrook, CT ..... | 11/13/2001                         | NAFTA-55,541 | Air filtration equipment.      |
| Lea Wayne Knitting Mills (Co.) .....   | Morristown, TN .....   | 11/10/2001                         | NAFTA-5,542  | Socks and hosiery.             |
| Nokia Networks (Wkrs) .....            | Ft. Worth, TX .....    | 11/19/2001                         | NAFTA-5,543  | Prototype and prezero modules. |
| Powerbrace Corporation (Wkrs) .....    | Kenosha, WI .....      | 11/19/2001                         | NAFTA-5,544  | Railcar gates and lock rods.   |
| Daniel Woodhead (Co.) .....            | Northbrook, IL .....   | 11/16/2001                         | NAFTA-5,545  | Electrical lighting products.  |
| Storm Copper Components (Co.) .....    | Decatur, TN .....      | 11/16/2001                         | NAFTA-5,546  | Wire harnesses.                |
| Marconi (Wkrs) .....                   | Milwaukee, WI .....    | 11/16/2001                         | NAFTA-5,547  | Telecommunication cabinets.    |

## APPENDIX—Continued

| Subject firm                                | Location                   | Date received at Governor's office | Petition No. | Articles produced                        |
|---|----------------------------|------------------------------------|--------------|--|
| Clebert's Hosiery Mill (Co.) .....          | Connelly Springs, NC ..... | 11/16/2001                         | NAFTA-5,548  | Knit, seam and inspect hosiery.          |
| Western Log Homes (Co.) .....               | Chiloquin, OR .....        | 11/05/2001                         | NAFTA-5,549  | Rails, vineyard posts, retaining walls.  |
| DataMark (Wkrs) .....                       | El Paso, TX .....          | 11/15/2001                         | NAFTA-5,550  | Data entries.                            |
| Foredtert Malting (UAW) .....               | Milwaukee, WI .....        | 11/15/2001                         | NAFTA-5,551  | Malt for breweries.                      |
| Segro Colonial Abrasives (Co.) .....        | Aberdeen, NC .....         | 11/14/2001                         | NAFTA-5,552  | Abrasives.                               |
| Gulford Mills (UNITE) .....                 | Pine Grove, PA .....       | 11/13/2001                         | NAFTA-5,553  | Apparel.                                 |
| PSW Industries—Tempel Steel (Co.) .....     | Michigan City, IN .....    | 11/13/2001                         | NAFTA-5,554  | Steel laminations.                       |
| Gillette Company (IBT) .....                | Iowa City, IA .....        | 11/13/2001                         | NAFTA-5,555  | Toothbrushes etc.                        |
| Alfa Laval—Tri Clover (Wkrs) .....          | Pleasant Prairie, WI ..... | 11/19/2001                         | NAFTA-5,556  | Piping systems.                          |
| Teleflex Automotive (Wkrs) .....            | Waterbury, CT .....        | 11/16/2001                         | NAFTA-5,557  | Automotive cables.                       |
| MoCaro Dyeing and Finishing (Co.) .....     | Statesville, NC .....      | 11/19/2001                         | NAFTA-5,558  | T-shirts and sweatshirts.                |
| Mike Dent Enterprises (Co.) .....           | Barns, OR .....            | 11/09/2001                         | NAFTA-5,559  | Logging.                                 |
| Fine Tech—Daeduck International (Co.) ..... | Durham, NC .....           | 11/20/2001                         | NAFTA-5,560  | Printed circuit boards.                  |
| OSAN (UNITE) .....                          | Boxertown, PA .....        | 11/20/2001                         | NAFTA-5,561  | Men's pants.                             |
| Kellogg Crankshaft (Wkrs) .....             | Jackson, MI .....          | 11/20/2001                         | NAFTA-5,562  | Crankshafts.                             |
| CNB International (Wkrs) .....              | Hastings, MI .....         | 11/20/2001                         | NAFTA-5,563  | Precision repair parts.                  |
| Como Products (UAW) .....                   | Columbus, IN .....         | 11/16/2001                         | NAFTA-5,564  | Television cabinets.                     |
| R. G. Barry, Texas LP (Co.) .....           | San Angelo, TX .....       | 11/21/2001                         | NAFTA-5,565  | House slipper shoe sole.                 |
| Lucent Technologies (IBEW) .....            | Columbus, OH .....         | 10/15/2001                         | NAFTA-5,566  | Elecom equipment.                        |
| Akers National Roll (Co.) .....             | Hyde Park, PA .....        | 11/20/2001                         | NAFTA-5,567  | Steel rolls.                             |
| Dimension Carbide (Co.) .....               | Guys Mill, PA .....        | 11/20/2001                         | NAFTA-5,568  | Grinding of carbide dies and punches.    |
| NACCO Materials Handling (Co.) .....        | Greenville, NC .....       | 11/20/2001                         | NAFTA-5,569  | Lower weldments.                         |
| Antec Corporation (Co.) .....               | El Paso, TX .....          | 11/20/2001                         | NAFTA-5,570  | Plastic molded parts.                    |
| Wesley Industries (Co.) .....               | Bloomfield Hills, MI ..... | 11/26/2001                         | NAFTA-5,571  | Heads, rotors and bearing caps.          |
| Regal Manufacturing (Wkrs) .....            | Hickory, NC .....          | 11/26/2001                         | NAFTA-5,572  | Yarn.                                    |
| Metalloy (Wkrs) .....                       | Hudson, MI .....           | 11/26/2001                         | NAFTA-5,573  | Freightliner.                            |
| VF Corporation (Wkrs) .....                 | Lebanon, MO .....          | 11/26/2001                         | NAFTA-5,574  | Jeans.                                   |
| Saturn Electronics and Engineering (Wkrs).  | Auburn Hills, MI .....     | 11/20/2001                         | NAFTA-5,575  | Circuit boards.                          |
| Von Hoffman Press (Wkrs) .....              | Owensville, MO .....       | 11/26/2001                         | NAFTA-5,576  | Textbooks, college and children's books. |
| ESP—Jocesse Trading (Co.) .....             | Easley, SC .....           | 11/20/2001                         | NAFTA-5,577  | Comforters, sheets, pillows etc.         |
| Detroit Tool and Engineering (Wkrs) .....   | Lebanon, MO .....          | 11/26/2001                         | NAFTA-5,578  | Household appliances.                    |
| A. S. Haight (UNITE) .....                  | Cartersville, GA .....     | 11/27/2001                         | NAFTA-5,579  | Screen printing cloth.                   |
| InterMetro Industries (Co.) .....           | Douglas, GA .....          | 11/26/2001                         | NAFTA-5,580  | Wire steel shelving.                     |
| Galey and Land (G and L Service) (Wkrs).    | Eagle Pass, TX .....       | 12/03/2001                         | NAFTA-5,581  | Men's and women's pants.                 |
| Kentucky Textiles (Wkrs) .....              | Paris, KY .....            | 11/20/2001                         | NAFTA-5,582  | Swimsuits.                               |
| Weavexx (Wkrs) .....                        | Greenville, TN .....       | 11/27/2001                         | NAFTA-5,583  | Paper machinebetting.                    |
| Carrier Corporation (Wkrs) .....            | Conway, AR .....           | 11/28/2001                         | NAFTA-5,584  | Ice cream and frozen novelty cases.      |
| VF Jeanswear (Wkrs) .....                   | Andrew, NC .....           | 11/27/2001                         | NAFTA-5,585  | Denim jeans.                             |
| Celectica Corporation (Co.) .....           | Milwaukie, OR .....        | 11/28/2001                         | NAFTA-5,586  | Design power supplies.                   |
| Glenayre Electronics (Wkrs) .....           | Quincy, IL .....           | 11/28/2001                         | NAFTA-5,587  | Power amplifiers.                        |
| TRW Automotive Breaking Systems (UAW).      | Milford, MI .....          | 11/28/2001                         | NAFTA-5,588  | Valves.                                  |
| GDX Automotive—Gencorp (USWA) .....         | Marion, IN .....           | 11/28/2001                         | NAFTA-5,589  | Bubber weather seals.                    |
| Hoskins Manufacturing (Co.) .....           | Mio, MI .....              | 11/28/2001                         | NAFTA-5,590  | Thermal couple, resistance wire etc.     |
| Hoskins Thermal Systems (Co.) .....         | Lewiston, MI .....         | 11/28/2001                         | NAFTA-5,591  | Thermal couple and resistance wire etc.  |
| VF Jeanswear (Co.) .....                    | Jackson, TN .....          | 11/28/2001                         | NAFTA-5,592  | Jeans.                                   |
| Boeing Defence and Space (Wkrs) .....       | Oak Ridge, TN .....        | 11/30/2001                         | NAFTA-5,593  | Boeing airplane parts.                   |
| Square D (Wkrs) .....                       | Middletown, OH .....       | 11/27/2001                         | NAFTA-5,594  | Heavy duty safety switch.                |
| Tenneco Automotive (Co.) .....              | Ligonier, IN .....         | 11/29/2001                         | NAFTA-5,595  | Car exhaust systems.                     |
| Teva Pharmaceuticals (Co.) .....            | Elmwood Park, NJ .....     | 11/18/2001                         | NAFTA-5,596  | Antibiotics.                             |
| Spicer Driveshaft (Co.) .....               | Lima, OH .....             | 11/30/2001                         | NAFTA-5,597  | Companion flanges.                       |
| Kraft Foods (Co.) .....                     | Minneapolis, MN .....      | 11/21/2001                         | NAFTA-5,598  | Hot cereals.                             |
| Artex International (Co.) .....             | Boiling Springs, NC .....  | 12/04/2001                         | NAFTA-5,599  | Linen napkins and table skirting.        |
| DK Mold Engineering (Co.) .....             | Wyoming, MI .....          | 10/21/2001                         | NAFTA-5,600  | Die for plastic injection molds.         |

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[NAFTA-04775]

#### Jonathan Manufacturing d/b/a/ Jonathan Engineered Solutions Fullerton, CA; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(A), subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of labor issued a Certification for NAFTA Transitional Adjustment Assistance on May 8, 2001, applicable to workers of Jonathan Engineered Solutions, Fullerton, California. The notice was published in the **Federal Register** on May 23, 2001 (66 FR 28554).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the activities related to the production of aluminum slides (assembly and fabrication). The workers are separately identifiable from workers producing steel slides at the subject plant.

New information provided by the State shows that Jonathan Manufacturing is the parent firm of Jonathan Engineered Solutions, Fullerton, California. Information also shows that some of the claimants' wages are reported under the Unemployment Insurance (UI) tax account for Jonathan Manufacturing, d/b/a Jonathan Engineered Solutions, Fullerton California.

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 Jonathan Engineered Solutions who were adversely affected by a shift in the production of aluminum slides to Mexico.

The amended notice applicable to NAFTA-04775 is hereby issued as follows:

All workers of Jonathan Manufacturing, D/B/A Jonathan Engineered Solutions, Fullerton, California, engaged in employment related to the production of aluminum slides (fabrication and assembly) who became totally or partially separated from employment on or after March 27, 2000, through May 8, 2003, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 30th day of November, 2001.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-39,632 & NAFTA-5059, et al.]

#### JPS Apparel Fabrics Corporation Greenville, SC, et al.; Notice of Determination on Reconsideration

On October 10, 2001, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for TAA and NAFTA-TAA applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on October 30, 2001 (66 FR 54785).

The initial TAA and NAFTA-TAA petition investigations for workers at JPS Apparel Corporation, Greenville, South Carolina (TA-W-39,632 & NAFTA-5059), South Boston, Virginia (TA-W-39,632A & NAFTA-5059A), New York, New York (TA-W-39,632B & NAFTA-5059B), and Laurens, South Carolina (TA-W-39,632C & NAFTA-5059C) were denied based on the finding that the subject firm and customers of the subject firm did not increase their import (including from Canada and Mexico) purchases of spun filament greige woven apparel fabrics during the relevant period.

The company supplied an additional list of customers that they believed were importing spun filament greige woven apparel fabrics.

On reconsideration, the Department conducted a survey of JPS Apparel Corporation's additional customers (accounting for a meaningful portion of the subject firms customer base) regarding their purchases of spun filament greige woven apparel fabrics during 1999, 2000 and January through July 2001. The survey revealed that some respondents increased their reliance on imported (no meaningful imports from Canada or Mexico) spun filament greige woven apparel fabrics, contributing to the layoffs at the subject firm during the relevant period.

On reconsideration the Department further examined U.S. import data that was not available during the initial investigation. The import data shows that selected fabrics like or directly competitive with what the subject plant

produced increased significantly during the relevant period. The industry data also depicts a meaningful increase in the import to shipment ratio of these products during the relevant period. However, aggregate U.S. imports from Canada and/or Mexico of selected fabrics like and directly competitive with what the subject plant produced remained relatively stable during the relevant period. The imports from Canada and/or Mexico are relatively low in relation to total aggregate U.S. imports.

### Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with spun and filament greige woven apparel fabrics, contributed importantly to the decline in sales or production and to the total or partial separation of workers of JPS Apparel Corporation, Greenville, South Carolina (TA-W-39,632), South Boston, Virginia (TA-W-39,632A), New York, New York (TA-W-39,632B), and Laurens, South Carolina (TA-W-39,632C). In accordance with the provisions of the Act, I make the following revised determination:

All workers of JPS Apparel Corporation, Greenville, South Carolina (TA-W-39,632), South Boston, Virginia (TA-W-39,632A), New York, New York (TA-W-39,632B), and Laurens, South Carolina (TA-W-39,632C) who became totally or partially separated from employment on or after July 16, 2000, through two years from the date of this issuance, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974; and

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974 for workers and former workers of JPS Apparel Corporation, Greenville, South Carolina (NAFTA-5059), South Boston, Virginia (NAFTA-5059A), New York, New York (NAFTA-5059B), and Laurens, South Carolina (NAFTA-5059C).

Signed in Washington, DC this 30th day of November 2001.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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