[TA–W–30,360 Nylon Hosiery Department TA–W–30,360A Polyester Filament Department]

BASF Corporation, Lowland, Tennessee; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 7, 1994, applicable to all workers of the nylon hosiery department. The certification notice was published in the **Federal Register** on January 3, 1995 (60 FR 148).

The certification was amended on February 3, 1995 to include all the workers of the polyester filament department. This notice will soon be published in the **Federal Register**.

At the request of the workers and with congressional support, the Department again reviewed the certification for workers of the subject firm. New findings show that some workers were laid off just prior to the September 19, 1993 impact date set in the certification. The Department in setting its impact date can go back to August 1, 1993.

Accordingly, the Department is amending the certification by deleting the September 19, 1993 impact date and setting a new impact date of August 1, 1993.

The intent of the Department's certification is to include all workers who were adversely affected by increased imports.

The amended notice applicable to TA–W–30,360 is hereby issued as follows:

All workers of BASF Corporation, Polyester Filament Department and the Nylon Hosiery Department, Lowland, Tennessee who became totally or partially separated from employment on or after August 1, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, D.C., this 10th day of February 1995.

Victory J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–4020 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,360]

BASF Corporation, Lowland, Tennessee; Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; Correction

This notice corrects the notice for petition TA–W–30,360 which was published in the **Federal Register** on October 21, 1994 (59 FR 53209) in FR Document 94–26176.

This revises the date received and the date of petition on the 1st line of the third and fourth columns in the appendix table on page 53209. The date received and the date of petition should both read ''August 1, 1994'' in the third and fourth columns on the first line of the appendix table.

Signed in Washington, DC, this 10th day of February, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4021 Filed 2–16–95; 8:45 am]

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[TA–30,259]

Contract Fusing, Duryea, Pennsylvania

Notice of Negative Determination Regarding Application for Reconsideration

By an application dated December 19, 1994, counsel for the workers requested administrative reconsideration of the subject petition for trade adjustment assistance (TAA). The denial notice was singed on November 21, 1994 (59 FR 63822).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following conditions:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appear that the determination complained of was based on a mistake in the determination of fact not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The investigation findings show that the workers performed various fusing services for various manufacturers.

The Department's denial was based on the fact that the ''contributed importantly'' test of the workers group eligibility requirements of the Trade Act was not met. This test is generally demonstrated through a survey of the workers' firm's customers. The Department's survey of manufacturers for whom the subject firm performed contract work in 1992, 1993 and in the first nine months of 1994 showed that none of the respondents reported importing fused cloth material in the relevant period.

Counsel states that Contract Fusing was a subdivision of Valley Dress whose workers were certified for TAA by the Department. Counsel also states that the issue is not the importation of fused cloth but rather the importation of garments/dresses and that the entire garment industry has been adversely affected by increased imports.

A review of the investigation files for Valley Dress (TA–W–27,889) shows that the workers produced ladies' dresses and suits and the workers were certified for TAA; however, the plant closed permanently on June 15, 1992. The date of the petition for the subject workers of Contract Fusing is August 19, 1994.

To show integration of production between Valley Dress and Contract Fusing, the workers of Contract fusing should have filed 2 to 3 years earlier when Valley Dress was in operation. At this late date the Department sees no effect on Contract Fusing from a certified plant that closed much earlier.

Very early in the administration of the worker adjustment assistance program, the courts addressed the issue of components and finished articles. In *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 506 F2d 174, (D.C. Cir. 1974) the court held that imported finished women's shoes were not like or directly competitive with shoe components—shoe counters. Similarly, ladies' dresses and suits cannot be considered like or directly competitive with fused cloth or other components for ladies' dresses or suits.

Further, the worker adjustment assistance program was not intended to provide TAA to workers who are in some way related to import competition but only for those workers who produce an article and are adversely affected by increased imports of like or directly competitive articles which contributed importantly to sales or production and employment declines at the workers' firm. Fusing cloth (an operation or service) is not like or directly competitive with ladies' dresses or suits.

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