

[TA-W-30,932; TA-W-30, 932A]

Thomas & Betts Company, Elizabeth, New Jersey, et al.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on May 3, 1995, applicable to all workers of Thomas & Betts Company, located in Elizabeth, New Jersey. The notice was published in the Federal Register on May 17, 1995 (60 FR 26459).

Based on new information received from petitioners, the Department reviewed the subject certification. Findings show that worker separations have occurred at the distribution center of Thomas & Betts located in Cranbury, New Jersey. The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports.

The amended notice applicable to TA-W-30,932 is hereby issued as follows:

All workers of Thomas & Betts Company, Elizabeth, New Jersey (TA-W-30,932) and Cranbury, New Jersey (TA-W-30,932A) who became totally or partially separated from employment on or after April 12, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of November 1995.

Russell T. Kile,

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

[FR Doc. 95-30149 Filed 12-11-95; 8:45 am]

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[TA-W-30,329A; TA-W-30, 329D; TA-W-30, 329E]

United Technologies Corporation, Pratt & Whitney East Hartford, Connecticut, et al.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued an Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on February 22, 1995, applicable to all workers of Pratt & Whitney, East Hartford, Connecticut engaged in employment related to the production of jet engine parts. The notice was published in the Federal Register on March 1, 1995 (60 FR 11119).

At the request of two State Agencies, the Department reviewed the certification for workers of the subject firm. New findings show that state field representatives for the subject firm located in Florida and Michigan, were paid by the subject firm and should have been included in the certification. The intent of the Department's certification is to include all workers of Pratt & Whitney who were adversely affected by increased imports.

The amended notice applicable to TA-W-30,329 is hereby issued as follows:

All workers of United Technologies Corporation, Pratt & Whitney, East Hartford, Connecticut (TA-W-30,329A); and field representatives located in Florida (TA-W-30,329D) and Michigan (TA-W-30,329E) whose wages were paid by Pratt & Whitney, East Hartford Connecticut, engaged in employment related to the production of jet engine parts who became totally or partially separated from employment on or after September 7, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1995.

Russell T. Kile,

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

[FR Doc. 95-30158 Filed 12-11-95; 8:45 am]

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[TA-W-29,927, NAFTA-00120]

Walker Manufacturing Company, Hebron, OH; Notice of Negative Determination on Reconsideration

On December 14, 1994 the United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a voluntary remand for further investigation in *UAW Local 1927 and Employees and Former Employees of Walker Manufacturing v. Secretary of Labor* (94-10-00584).

The Department's initial denial for the Hebron workers, issued on August 15, 1994 and published in the Federal Register on September 2, 1994 (59 FR 45711), was based on the fact that the increased import criterion and the "contributed importantly" test of the Worker Group Eligibility Requirements of the Trade Act were not met. U.S. aggregate imports of mufflers and exhaust pipes declined absolutely in 1993 compared to 1992 and in the latest twelve month period from June 1993 through May 1994 compared with the same period one year earlier.

The Hebron plant had only one customer and that customer's import purchases were not important relative to

Hebron's sales during the relevant period.

The workers were also denied eligibility to apply for TAA on reconsideration. The reconsideration notice was issued on October 5, 1994 and published in the Federal Register on October 14, 1994 (59 FR 52194).

The reconsideration findings show that as a result of the Hebron closure, the company is making Hebron's machinery available to other corporate North American plants including some machinery to Mexico. However, the capital equipment used to make exhaust systems is not like or directly competitive with exhaust systems themselves and as such would not form a basis of a worker group certification. Other findings on reconsideration show that no production was shifted to Mexico and only a very small portion of Hebron's total production, the production of resonator bodies, was shifted to Canada; however, the workers who produced resonator bodies were not separately identifiable. (AR p. 23 and p. 28).

The workers were also denied under a NAFTA petition (NAFTA-00120) on June 30, 1994 (59 FR 37997) and on reconsideration on October 7, 1994 (59 FR 53213). The Department's denial was based on the fact that neither the increased import criterion nor the shift in production to Mexico or Canada criterion of the Worker Group Eligibility Requirements of the NAFTA provisions of the Trade Act was met.

The record states that the Ohio Bureau of Employment Security (OBES) made a preliminary finding that the firm met the increased import criterion. (See AR p. 30). This state finding is only a preliminary finding to get the investigatory process started. The state's investigation was not as extensive as the Department's investigation. Further, under the NAFTA-TAA provisions, the state, unlike the Department, does not make a finding on the "contributed importantly" test, which the workers failed to pass.

On further reconsideration, the Department has difficulty obtaining additional information from Walker Manufacturing especially as to a further breakout of Hebron's production and sales. On December 20, 1994, the Department, however, did contact the plaintiffs' counsel, and other union witnesses to request any information or documentation that would contradict the Department's negative determinations. Counsel for the plaintiffs alleged that about 50 resonator workers were laid off in February 1994 and that 40 percent of the plant's production was shipped to Mexico prior

to the phasedown. (See AR pp. 69–70). These allegations were not backed up by any supporting documentation, and none of the other union witnesses supplied any evidence or documentation.

The remand findings show that the Walker plant in Queretaro, Mexico does not produce any goods or products like or directly competitive with the articles formerly produced at Hebron. The Mexican plant is a supplier of exhaust systems for General Motors, Chrysler and Volkswagen and to the replacement parts market (aftermarket) in Mexico. The Hebron plant, on the other hand, produced exhaust systems only for Ford. These customized exhaust systems are not interchangeable. (See AR p. 74).

The findings also show that no production was transferred to Mexico as a result of the closure of the Hebron plant. (See AR p.49, p.64). Neither the Hebron plant nor Walker's Mexico plant supply the same customers. (See AR p. 49). Only the production of resonator bodies was transferred to Canada; however, this transfer accounted for only a very small portion of Hebron's total production and the workers were not separately identifiable by product. All other production was transferred to company owned domestic plants, primarily Marshall, Michigan and Lionier, Indiana. (See AR p. 62).

Other findings on reconsideration show that the Hebron plant closure was due to capacity concerns within Walker Manufacturing and Walker's desire to provide better service for Hebron's sole customer, Ford Motor Company. (See AR p. 62).

On remand, the Department received a further breakout by month of Hebron's production and a listing of all Hebron's capital assets shipped to other corporate locations. (See AR pp. 118–46). These new findings show that Canadian corporate exports (from Cambridge) to the U.S. from May 1, 1992 to April 30, 1994, were less than one-tenth of one percent of Hebron's sales during the same period. (See AR pp. 147, 149). Such a small proportion is too insignificant to form a basis for a worker group certification, especially since the Hebron workers are not separately identifiable by product, and thus it cannot be determined how many workers produced the components that are now being imported. (See AR p. 23, pp. 28–29).

Other findings on reconsideration show only very small amounts of Hebron's assets were shipped to Mexico. (See AR pp. 118–152). Contrary to the contention of the plaintiffs' counsel, (See AR p. 163), the mere transfer of

machinery from a domestic plant to a Mexican or Canadian plant would not, by itself, form a basis for a worker group certification under the NAFTA provisions of the Trade Act. Rather the NAFTA provisions specifically state that there must be a shift in production of *articles* from a domestic firm to a Mexican or Canadian plant for the workers to be eligible to apply for transitional adjustment assistance, not the shifts of *machinery* associated with those, or any other type of articles. (Trade Act, Sec 250(a)(1)(B), 19 U.S.C. § 2331(a)(1)(B)). Since no articles formerly produced at the Hebron plant are now being produced in Mexico, the transfer of production criterion has not been met here.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of the Walker Manufacturing Company in Hebron, Ohio.

Signed at Washington, D.C., this 5th day of May 1995.

Victor J. Trunzo,

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

[FR Doc. 95–30156 Filed 12–11–95; 8:45 am]

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[NAFTA–00602]

Conagra Flour Milling Company Superior, Wisconsin; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Program Manager of the Office of Trade Adjustment Assistance for workers at ConAgra Flour Milling Company, Superior, Wisconsin. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA–00602; ConAgra Flour Milling Company, Superior, Wisconsin (November 22, 1995)

Signed at Washington, D.C. this 29th day of November, 1995.

Russell T. Kile,

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

[FR Doc. 95–30161 Filed 12–11–95; 8:45 am]

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[NAFTA–00609]

Dow Chemical Company Corporate Aviation Division, Freeland, Michigan; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Program Manager of the Office of Trade Adjustment Assistance for workers at Dow Chemical Co., Corporate Aviation Division, Freeland, Michigan. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA–00609; Dow Chemical Co.,

Corporate Aviation Division, Freeland, Michigan (November 22, 1995)

Signed at Washington, D.C. this 29th day of November, 1995.

Russell T. Kile,

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

[FR Doc. 95–30160 Filed 12–11–95; 8:45 am]

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[NAFTA–00634]

Lockheed Martin, Ocean, Radar & Sensor Systems, Utica, New York; 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 October 26, 1995, applicable to all workers of Lockheed Martin, Ocean, Radar & Sensor Systems Division located in Utica, New York. The notice will soon be published in the Federal Register.

At the request of the State designee, the Department has reviewed the subject certification to specify that only the inspection operation of the printed circuit board assemblies are being shifted to Mexico.

The intent of the Department's certification is to include workers engaged in the inspection operation of the printed circuit board assemblies at Lockheed Martin, Ocean, Radar & Sensor Systems Division located in Utica, New York that were adversely affected by the shift in production of the inspection operation to Mexico.

The amended notice applicable to NAFTA–00634 is hereby issued as follows: