

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.*

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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: