

Pennsylvania, and Agere Systems, Optoelectronics Division, Reading, Pennsylvania producing optoelectronics, were denied because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no increased customer imports of optoelectronics during the relevant period. The investigation further revealed that imports of optoelectronics by the company were negligible.

The NAFTA-TAA petitions for the same worker groups were denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. A survey was conducted and revealed that customers did not increase their imports of optoelectronics from Mexico or Canada during the relevant period. The subject firm did not import optoelectronics from Mexico or Canada, nor was production of optoelectronics shifted from the workers' firm to Mexico or Canada.

The petitioners allege that plant production is being shifted to Asia and Mexico and that the products will be imported back to the United States.

The petitioners supplied information concerning the company's manufacturing strategy concerning the transfer of plant production to Asia, in conjunction with various other factors that are scheduled to occur. The planned transfer and potential imports are beyond the relevant period of the initial investigation and thus could not be considered during the investigation.

The petitioners further allege that certain products produced by the subject plant were being outsourced to Canada and/or Mexico.

Based on data supplied by the company, only negligible amounts of products produced by the subject plant were being outsourced to foreign sources.

The petitioners also indicated that some modulators, similar to those produced by the subject plant, are scheduled to be made in Singapore.

The shift in production to Singapore does not meet the "contributed importantly" test unless the product was imported back to the United States during the investigation period.

The majority of the information recently provided by the petitioners concerns a time period following the initial decision. The petitioner with their request for reconsideration, attached new TAA and NAFTA-TAA

petitions for the Breinigsville, Pennsylvania plant. Those petitions will be instituted shortly. The Department based on the information provided during reconsideration is also initiating new TAA and NAFTA-TAA investigations for the Reading, Pennsylvania location.

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 15th day of January, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-38,893 and NAFTA-04613]

The Budd Company Stamping and Frame Division Philadelphia, PA; Notice of Negative Determination of Reconsideration

On November 30, 2001, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 26, 2001 (66 FR 66467).

The Department initially denied TAA to workers of The Budd Company, Stamping and Frame Division, Philadelphia, Pennsylvania because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. None of the respondents increased their import purchases of automotive stampings and assemblies, while reducing their purchases from the subject firm.

The Department denied NAFTA-TAA because the "contributed importantly" group eligibility requirement of section 250 was not met and because there was no shift in production to either Mexico or Canada. None of the customers increased their import purchases of automotive stampings and assemblies from Canada or Mexico, while reducing their purchases from the subject firm during the relevant period.

The workers at the subject firm were engaged in employment related to the production of automotive stampings and assemblies.

The petitioner indicated that the subject firm opened a new stamping plant in Silao, Mexico during the fall of 2000. The petitioner further stated that the opening of the Mexican plant resulted in a significant shift in plant production to Mexico.

On reconsideration, the Department contacted the company for an explanation of the alleged shift in plant production to Mexico. The company indicated that no work performed at The Budd Company, Stamping and Frame Division, Philadelphia, Pennsylvania was shifted to their joint venture facility located in Mexico. The company further indicated that they did not import products like and directly competitive with what the subject plant produced back to the United States during the relevant period.

Conclusion

After reconsideration, I affirm the original notice of negative determinations regarding eligibility to apply for worker adjustment assistance and NAFTA-Transitional Adjustment Assistance for workers and former workers of The Budd Company, Stamping and Frame Division, Philadelphia, Pennsylvania.

Dated: Signed at Washington, DC, this 2nd day of January 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-38,424 and NAFTA-4441]

Georgia Pacific Chip and Saw Plant, Baileyville, ME; Notice of Revised Determination on Reconsideration

By letter dated April 12, 2001, the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 1-1367 (PACE), requested administrative reconsideration of the Department's denial of TAA and NAFTA-TAA for workers of the subject firm. Workers at Georgia Pacific Corporation, Chip-and-Saw, Baileyville, Maine, are engaged in the production of softwood dimensional lumber.