

2002 and published in the **Federal Register** on July 18, 2002 (67 FR 47400).

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) in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Laird Technologies, Asheboro, North Carolina engaged in the production of Electromagnetic Interface (EMI) and Radio Frequency Interface (RFI) Shielding, was 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 Department conducted a survey of the subject company's major customers regarding their purchases of EMI/RFI shielding in 2000 and 2001. The customers reported either no imports or declining imports during the relevant period. The subject firm did not import EMI/RFI shielding during the relevant period. Laird Technologies is transferring production from Asheboro, North Carolina to other affiliated domestic facilities.

The petitioner appears to be indicating the company is building a production plant in China and sometime in the future the Chinese plant will be producing products like or directly competitive with what the subject plant produced. The petitioner believes the shift in production to China meets the eligibility requirements of the Trade Act of 1974, as amended.

A shift in production to a foreign source under TAA is not a relevant factor in meeting the eligibility requirement under section 222(3) of the Trade Act of 1974, as amended. Any potential imports of Electromagnetic Interface (EMI) and Radio Frequency Interface (RFI) Shielding into the United States from the Chinese plant must enter the United States during the relevant period of the investigation to meet the eligibility requirement of section 222(3) of the Trade Act of 1974, as amended.

### 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 12th day of August, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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### DEPARTMENT OF LABOR

#### Employment and Training Administration

[TA-W-41,475]

#### Ruger Equipment, Inc., Urichsville, Ohio; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of July 19, 2002, the United Steelworkers of America, Local 2737-10 requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on July 8, 2002, and published in the **Federal Register** on July 22, 2002 (67 FR 47861).

The petitioner supplied a list of customers unavailable during the original investigation. The Department of Labor will conduct a survey of these customers to determine if imports contributed importantly to the declines in employment at the subject plant.

### Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 12th day of August, 2002.

**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 Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than August 30, 2002.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than August 30, 2002.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 5th day of August, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

APPENDIX  
[Petitions instituted on 08/05/2002]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
41,911	Sappi Fine Paper Mill (Comp)	Muskegon, MI.	03/26/2002	Fine Coated Paper Products.
41,912	ADC Telecommunications (Wrks)	Shakopee, MN.	06/11/2002	Fiber Optics and Telecommunication Equip.
41,913	Barrick Gold Corp (Comp)	Eureka, NV ..	07/18/2002	Gold.
41,914	Tom Harmon Logging (Comp)	LaPine, OR	07/15/2002	Wood Chips.
41,915	Mountain High Timber (Comp)	LaPine, OR	07/15/2002	Wood Chips.
41,916	Emess Design Group, LLC (AFGWD)	Ellwood City, PA.	07/15/2002	Lighting Products.
41,917	Susquehanna Pfaltzgraff (Wrks)	York, PA .....	07/12/2002	Dinnerware.
41,918	Unilever Best Foods (Wrks)	Santa Cruz, CA.	07/24/2002	Tea Bags.
41,919	Saint-Gobain Abrasives (PACE)	Niagara Falls, NY.	07/18/2002	Abrasive Products (Sheets, Rolls).
41,920	BAE Systems (Wrks)	Wellington, KS.	07/01/2002	Boeing Aircraft Parts.
41,921	Delphi Packard Electric (IUE)	Gadsden, AL	07/24/2002	GM Wiring Harnesses & Distribution System.
41,922	Porterco, LLC (Comp)	Magnolia, AR	07/23/2002	Rifle & Shotgun Slings, Garment Carriers.
41,923	Phelps Dodge Hidalgo (Comp)	Playas, NM ..	07/24/2002	Anode Copper and Sulfuric Acid.
41,924	McDonald Woodworks, Inc. (Wrks)	Philadelphia, MS.	07/17/2002	Wooden Shipping Pallets, Crates, Bases.
41,925	Flowserve (Comp)	Springville, UT.	07/18/2002	Control Valves and Actuators.
41,926	Atlas Alchem Plastic (IBT)	Conneaut, OH.	07/19/2002	Polyethylene and Polypropylene Sheets.
41,927	David Stevens (UNITE)	Blackwood, NJ.	07/25/2002	Women's Apparel.
41,928	Veco Alaska (Comp)	Anchorage, AK.	07/16/2002	Crude Oil.
41,929	Mel, Inc. (Comp)	Winchester, MA.	07/20/2002	Convert Griege Materials.
41,930	Lapror Plastics (Co.)	Manitowoc, WI.	07/25/2002	Handles and Knobs.
41,931	Vertical Aviation Tech. (Comp)	Sanford, FL	01/25/2002	Helicopters.
41,932	Jet Craft Boats (Wrks)	Medford, OR	07/29/2002	Aluminum Boats.
41,933	Agere Systems, Inc. (IBEW)	Orlando, FL	02/15/2002	Semiconductor Products.

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[NAFTA-5952 and TA-W-40,976]

#### Abitibi Consolidated, Donohue Industries, Inc., Lufkin Division, Lufkin, TX; Notice of Revised Determination on Reconsideration

By letter dated June 21, 2002, the company, requested administrative reconsideration of the Department's denial of North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) and Trade Adjustment Assistance (TAA), applicable to workers of Abitibi Consolidated, Donohue Industries, Inc., Lufkin Division, Lufkin, Texas. The denial notice applicable to NAFTA-05952 was signed on May 20, 2002 and the denial notice for TA-W-40,976 was

signed on May 23, 2002. The notices were published in the **Federal Register** on June 11, 2002, for NAFTA-5952 (67 FR 40005) and for TA-W-40,976 (67 FR 40004).

The workers of Abitibi Consolidated, Donohue Industries, Inc., Lufkin Division, Lufkin, Texas engaged in activities related to the production of newsprint and specialty paper were denied NAFTA-TAA because criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act of 1974, as amended, were not met. The subject firm did not import newsprint and specialty paper from Canada or Mexico during the relevant period. There was no shift in the production of newsprint and specialty paper from the subject firm to Canada or Mexico during the relevant period.

The workers of Abitibi Consolidated, Donohue Industries, Inc., Lufkin Division, Lufkin, Texas were denied TAA because criterion (3) of the group eligibility requirements of section 222 of the Trade Act of 1974, as amended, was

not met. Imports did not contribute importantly to the worker separations during the relevant period.

The petitioner states that they responded to the Department's questions on a subsidiary perspective only, rather than on a company-wide basis. Thus they did not indicate the parent company, a Canadian based newsprint manufacturer, imported newsprint products to the United States.

The Department contacted the company requesting further information concerning the allegation. The company provided additional information showing the company increased their reliance on imported Canadian newsprint paper from their parent company located in Canada. The imports from Canada replaced a meaningful portion of the subject plant's production as subject plant production was phased out during the relevant period.

#### Conclusion

After careful consideration of the new facts obtained on reconsideration, it is