

*America on Behalf of Former Workers of ME International, Inc. v. Elaine L. Chao, U.S. Secretary of Labor* (Court No. 02-00404).

The Department's initial denial of certification for the petitions (TA-W-39,162 & NAFTA-04822) filed for employees of ME International, Inc., Duluth, Minnesota were issued on October 2, 2001 and published in the **Federal Register** on October 19, 2001 (66 FR 53251 and 53252, respectively). The denial of Trade Adjustment Assistance (TAA) was based on a finding that 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 worker separations at the subject firm. The denial of NAFTA-Transitional Adjustment Assistance (NAFTA-TAA) was based on the finding that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations, nor was there a shift in plant production to Canada or Mexico.

On administrative reconsideration, the Department issued a "Notice of Negative Determination Regarding Application for Reconsideration," for cases TA-W-39,162 and NAFTA-04822 on March 25, 2002 for the employees of ME International, Inc., Duluth, Minnesota. The notice was published in the **Federal Register** on April 17, 2002 (67 FR 18926). The Department affirmed its conclusions that imports did not contribute importantly to worker separations at the subject firm.

On remand, the Department contacted the company for additional customers that were not supplied by the company during the previous investigations. The company this time responded by supplying an extensive list of customers.

The U.S. Department of Labor conducted a survey of the customers regarding their purchases of mine wear parts during the relevant period. The survey revealed that customers increased their imports of mine wear parts from Canada and/or Mexico and also increased purchases of total U.S. imports, while decreasing their purchases from the subject firm during the relevant period.

### Conclusion

After careful review of the additional facts obtained on remand, I determine that increases in imports of articles (including from Canada and/or Mexico) like or directly competitive with those produced by the subject firm contributed importantly to the worker separations and sales or production declines at the subject facility. In

accordance with the provisions of the Trade Act, I make the following certification:

"All workers of ME International, Inc., Duluth, Minnesota, who became totally or partially separated from employment on or after April 9, 2000, through two years from the issuance of this revised determination, are eligible to apply for worker adjustment assistance under Section 223 of the Trade Act of 1974." and

"All workers of ME International, Inc., Duluth, Minnesota, who became totally or partially separated from employment on or after April 30, 2000, through two years from the issuance of this revised determination, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed at Washington, DC this 25th day of June 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of June 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

### Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

#### None

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A)(I.C.) (Increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

TA-W-51,786; *Seaway Pattern*

*Manufacturing, Inc., Toledo, OH*

TA-W-51,847; *Morgan Lumber, Inc., Bingham, ME*

TA-W-51,584; *General Electric Power Systems, a wholly-owned subsidiary of General Electric Company, Bangor, ME*

TA-W-51,659; *Brookline, Inc., Charlotte, NC*

TA-W-51,760; *Satellite Technology Management, a/k/a STM Wireless, Inc., Irvine, CA*

TA-W-51,777; *Cambridge Metal and Plastics, Cambridge, MN*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-51,341; *Washington Group International, Inc., Niagara Engineering and Design Group, Niagara Falls, NY*

TA-W-50,835; *Agilent Technologies, Manufacturing Test Business Unit, Electronic Manufacturing Test Div., Loveland, CO*

TA-W-51,954; *Facility Pro, Allentown, PA*

TA-W-51,548; *Cypress Semiconductor Design Center, Colorado Springs, CO*

TA-W-51,677; *McKittrick and Associates, Inc., Charlotte, NC*

TA-W-51,678; *D and W International, Inc., Charlotte, NC*

TA-W-51,746; *Motorola, Inc., Ocotillo Facility, Chandler, AZ*

TA-W-51,897; *Yellow Book USA, Effingham, IL*

TA-W-51,921; *Nortel Networks, Inc., Department JC 50, Research Triangle Park, NC*

TA-W-52,035; *Ingram Micro, Inc., Williamsville, NY*

The investigation revealed that criterion (a)(2)(A)(I.A) (no employment declines) have not been met.

TA-W-51,976; *State of Alaska Commercial Fisheries Entry*