

TA-W-50,131; *Lear Corp., Interior Systems Div., Carlisle, PA*; November 11, 2001.

TA-W-50543; *Prime Manufacturing Co., Lynn, MA*; January 13, 2002.

TA-W-50,587; *Moll Industries, Davie, FL*; November 22, 2001.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of January and February 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

#### Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-07587; *Groupe Carbone Lorraine, Astro Cosmos Metallurgical, Inc., Wooster, OH*  
NAFTA-TAA-06481; *Savane International, Fabric Cutting Facility, El Paso, TX*

#### Affirmative Determinations NAFTA-TAA

NAFTA-TAA-06447; *ADC*

*Telecommunications, 5655*

*Eleventh Avenue East, Shakopee, MN*; August 5, 2001.

NAFTA-TAA-6072; *Germantown (USA) Co., West Chester, PA*; March 12, 2001.

I hereby certify that the aforementioned determinations were issued during the months of January and February 2003. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 12, 2003.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-41,497 and NAFTA-06126]

##### **Furnimex Products USA Inc., Charm House Manufacturing, Sumter, South Carolina; Notice of Negative Determination Regarding Application for Reconsideration**

By application of September 11, 2002, the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) under petition TA-W-41,497 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) under petition NAFTA-06126. The TAA denial notice applicable to workers of Furnimex Products USA Inc., Charm House Manufacturing, Sumter, South Carolina was signed on August 6, 2002 and published in the **Federal Register** on August 20, 2002 (67 FR 53971). The NAFTA-TAA denial notice was signed on June 21, 2002 and will soon be published in the **Federal Register**.

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) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Furnimex Products USA Inc., Charm House Manufacturing, Sumter, South Carolina, 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 major customer of the subject firm went out of business and the loss of that customer was the major contributing factor leading to the closure of the plant. The workers produced bed linens and blankets.

The NAFTA-TAA petition for the same worker group was 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. There was no shift in production from the workers' firm to Mexico or Canada during the relevant period. Imports from Canada or Mexico did not contribute importantly to worker separations. The investigation also revealed that a major customer of the subject firm went out of business and the loss of this customer was the major contributing factor to the closure of the Sumter plant.

The petitioner appears to be indicating that plant production was shifted to Mexico after the plant closed down.

An examination of the initial decision and further contact with the company show that the closure of the subject plant is due to a major customer going out of business. That customer accounted for a major portion of the subject plant's sales and thus impacted the subject plant.

Further contact with the company also shows that the company was a Limited Liability Partnership (LLC) between the owner of Charm House Manufacturing and Furnimex Products USA Incorporated. The company indicated that no plant production was shifted to Mexico. Furnimex Products USA Incorporated indicated that an extremely small portion of subject plant production was outsourced to an unaffiliated plant located in Mexico, after the subject plant closed down, only as a customer courtesy. The amount outsourced and imported back from Mexico was not significant.