

independent contractor and the company subsequently increased their imports of jeans, t-shirts and men's polo shirts from that foreign source during the relevant period.

#### Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports of jeans, t-shirts and men's polo shirts contributed importantly to the decline in production and to the total or partial separation of workers at I.C. Isaacs & Co., Inc., New York, New York. In accordance with the provisions of the Act, I make the following revised determination:

Workers of I.C. Isaacs & Co., Inc., New York, New York, who became totally or partially separated from employment on or after April 10, 2001 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 16th day of October, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 02-29702 Filed 11-21-02; 8:45 am]

BILLING CODE 4510-30-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-38,461 and NAFTA-4357]

##### Oxford Automotive, Argos, IN; Notice of Negative Determination on Reconsideration on Remand

The United States Court of International Trade (USCIT) has granted the Secretary of Labor's motion for a second voluntary remand for further investigation in *Former Employees of Oxford Automotive v. U.S. Secretary of Labor*, No. 01-00453.

The Department's initial denial of NAFTA-Transitional Adjustment Assistance for workers producing automotive side panels at Oxford Automotive, Argos, Indiana, was issued on January 24, 2001, and published in the **Federal Register** on May 9, 2001 (66 FR 23733-34). The negative determination was based on the finding that 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. Oxford Automotive did not import articles from Mexico or Canada like or directly competitive with those produced at the Argos, Indiana plant. There was no shift in production from Argos, Indiana, to

Mexico or Canada. Although some of the machinery from the Argos plant had been moved to Mexico and other foreign locations, the machinery was idle. The layoffs at the plant were attributable to the customer's decision to take back the production of the side panels.

The Department's initial denial of Trade Adjustment Assistance for the workers producing automotive side panels at Oxford Automotive, Argos, Indiana, was issued on January 24, 2001, and was published in the **Federal Register** on May 9, 2001 (66 FR 23733-34). The negative determination was based on the finding that the "contributed importantly" criterion of the group eligibility requirements of section 222 of the Trade Act of 1974, as amended, was not met. Oxford Automotive did not import articles like or directly competitive with those produced at the Argos, Indiana plant. The layoffs at the plant were attributable to the customer's decision to take back the production of the side panels.

The petitioners request for reconsideration of TA-W-38,461 and NAFTA-4357 resulted in a negative determination regarding the application, which was issued on April 30, 2001, and was published in the **Federal Register** on May 9, 2001 (66 FR 23732-33).

On remand, the Department contacted officials of Oxford Automotive to obtain clarification regarding a notation on the "Confidential Data Request", contained in the investigation record, that the company was importing from Canada and Mexico.

The investigation on remand confirmed that there were no company imports of side panels in 1998, 1999 or 2000.

Again, on the second voluntary remand, the Department contacted the officials of Oxford Automotive to obtain additional information concerning purchases of the products produced by the subject plant and further requested a list of products (by product number) that were sold to the major customer for the 1999 and 2000 periods.

The U.S. Department of Labor conducted a survey of the major declining customer regarding its purchases of side panels for the periods 1998, 1999 and 2000. The Department also verbally requested that the customer indicate where the products are now being purchased. The major customer revealed that they did not import side panels during the relevant period of the investigation. They further indicated that all products once produced by the Argos facility were subsequently purchased from other

domestic Oxford Automotive facilities through the current period.

The customer further stated that over half of their purchases from domestic Oxford facilities are now shipped to Mexico to meet the customers' Mexican demand. The customer further concluded that all products previously purchased from Oxford Automotive, Argos, Indiana are still being purchased from other Oxford facilities located in the United States through the current period.

The Department of Labor also contacted Oxford Automotive regarding shifts in Argos plant equipment to Mexico during the relevant period.

The company indicated that all production was phased out during the year 2000. The company moved all press equipment to other facilities. The 180 Press Line went to Mexico, in the spring of 2001. Two other major presses (10 presses total and one blanking press) also went to a Mexican facility during the summer of 2002. The rest of the miscellaneous items went to other domestic Oxford plants from 2001 through the current period. All equipment shifted to Mexico remained idle. The equipment has never been used to produce any product in Mexico.

#### Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Oxford Automotive, Argos, Indiana.

Signed in Washington, DC, this 31st day of October, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 02-29693 Filed 11-21-02; 8:45 am]

BILLING CODE 4510-30-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-41,167 and NAFTA-05853]

##### Tri-Way Manufacturing, Inc., El Paso, TX; Notice of Negative Determination Regarding Application for Reconsideration

By application dated August 9, 2002, the Texas Rural Legal Aid, Inc., Displaced Worker Project, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) under petition TA-W-41,167 and North American Free Trade Agreement-

Transitional Adjustment Assistance (NAFTA-TAA) under NAFTA-5853, applicable to workers and former workers of the subject firm. The denial notices were signed on June 24, 2002, and published in the **Federal Register** on July 9, 2002 (67 FR 45550 and 45551, respectively).

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 Tri-Way Manufacturing, Inc., El Paso, Texas, engaged in repair and production of injection molding 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 survey revealed no imports of injection molds. There were no company imports of injection molds during the relevant period.

The NAFTA-TAA petition for the same group of workers was denied because criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There were no customer or company imports of injection molds from Mexico or Canada, nor did the subject firm shift production from El Paso to Mexico or Canada.

The petitioner requested that the Department of Labor survey an additional major customer of the subject firm regarding their purchases of injection molds.

On further review, the U.S. Department of Labor conducted a survey of an additional customer of the subject firm regarding their purchases of injection molds during the 2000 and 2001 periods. The survey revealed that the customer did not purchase injection molds from the subject firm during the relevant period. In fact, upon further clarification from the customer, it was revealed that Tri-Way Manufacturing, Inc. only repaired injection molds for the customer.

## 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 decision. Accordingly, the application is denied.

Signed in Washington, DC, this 31st day of October, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 02-29695 Filed 11-21-02; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA-W-41,672 and NAFTA-6243]**

#### **VMV Paducahbilt, VMV Enterprises, Paducah, KY; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at VMV Paducahbilt, VMV Enterprises, Paducah, Kentucky. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-41,672 and NAFTA-06243;  
VMV Paducahbilt, VMV  
Enterprises, Paducah, Kentucky  
(October 16, 2002)

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

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 02-29697 Filed 11-21-02; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[NAFTA-06070 and NAFTA "06070A]**

#### **Williamson Dickie Manufacturing Company, McAllen #9, McAllen, TX, and Williamson Dickie Manufacturing Company, Weslaco, TX; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance**

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on July 2, 2002, applicable to workers of Williamson Dickie Manufacturing Company, McAllen #9, McAllen, Texas. The notice was published in the **Federal Register** on July 18, 2002 (67 FR 47401).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the Weslaco, Texas location of Williamson Dickie Manufacturing Company when the plant closed permanently in September, 2002. The workers were engaged in employment related to the production of men's work pants.

Accordingly, the Department is amending the certification to cover workers of Williamson Dickie Manufacturing Company, Weslaco, Texas.

The intent of the Department's certification is to include all workers of Williamson Dickie Manufacturing Company who were adversely affected by the transfer of production to Mexico.

The amended notice applicable to NAFTA-06070 is hereby issued as follows:

All workers of Williamson Dickie Manufacturing Company, McAllen #9, McAllen, Texas (NAFTA-06070) and Williamson Dickie Manufacturing Company, Weslaco, Texas (NAFTA-6070A) who became totally or partially separated from employment on or after April 9, 2001, through July 2, 2004, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of October, 2002.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 02-29699 Filed 11-21-02; 8:45 am]

**BILLING CODE 4510-30-P**