

There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-04282; Norman Barnes & Co., Inc., Arlington, WA  
 NAFTA-TAA-04210; Royal Oak Enterprises, Inc., Paris, AR  
 NAFTA-TAA-03904; APV Americas, Lake Mills, WI  
 NAFTA-TAA-04120; Corlair Corp., Piedmont, MO  
 NAFTA-TAA-04025; Kim Mark Hosierey, Inc., Mount Airy, NC  
 NAFTA-TAA-04149; Owik Tool Manufacturing, Magna Div., Lexington, KY  
 NAFTA-TAA-04131; Burlington Resources Oil and Gas, Mid Continent-Rockies, Sidney, MT  
 NAFTA-TAA-04194; Wabash Automotive, Ft. Worth, TX  
 NAFTA-TAA-04226; Airtherm, LLC, Forrest City, AR  
 NAFTA-TAA-04169; Hoh River Timber, Omak, WA  
 NAFTA-TAA-04162; Potlatch Corp., Wook Products, Div: Jaype Mill, Pierce, ID  
 NAFTA-TAA-04167; Roseboro, Lumber, Dimension Lumber Div., Springfield, OR  
 NAFTA-TAA-04179; GP Timber, Central Point, OR

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA-TAA-04197; General Electric Industrial Systems, Motors Div., Erie, PA.  
 NAFTA-TAA-04239; DR Rent, LLC, Klamath Falls, OR.  
 NAFTA-TAA-04177; Derby Industries, LLC, Lexington, KY.  
 NAFTA-TAA-04243; Pronav Ship Management, Inc., Greenwich, CT.

The investigation revealed that workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

#### **Affirmative Determinations NAFTA-TAA**

NAFTA-TAA-04088; Leoni Wiring Systems, Tucson, AZ: August 10, 1999.  
 NAFTA-TAA-04223; Amscan, Inc., Lumart Div., Brooklyn, NY: September 22, 1999.  
 NAFTA-TAA-04061 & A, B; Stanley Knitting Mills (South Main Street Plant), Oakboro, NC, Richfield, NC and Stanley Knitting Mills Sales Corp., New York, NY: August 4, 1999.  
 NAFTA-TAA-04032; Philips Consumer Electronics—Industrial Operations, Life Test and Quality Control

Department, Greenville, TN: July 13, 1999.

NAFTA-TAA-04168; Tyco Electronics TDI Batteries Div., Tomeoville, IL: September 21, 1999.  
 NAFTA-TAA-04160; Quality Veneer and Lumber, Aberdeen, WA: September 12, 1999.  
 NAFTA-TAA-04111; Hayden Industrial Products LLC, Corona, CA August 22, 1999.  
 NAFTA-TAA-04245; Still-Man Heating Products, Cookeville, TN: October 18, 1999.  
 NAFTA-TAA-4296; Mulox, Inc., Macon, GA: August 30, 1999.  
 NAFTA-TAA-04257; A.O. Smith Electrical Products Do., Paoli Plant, Paoli, IN: October 20, 1999.  
 NAFTA-TAA-04260; 3M, Scientific Angler, a/k/a Streamworks, a/k/a D.B. Dun, Boise, ID: October 19, 1999.  
 NAFTA-TAA-04251; Authentic Fitness Corp., Cutting Operation, Bell, CA: September 16, 1999.  
 NAFTA-TAA-04211; Tyco Electronics, Clinton Township, MI: October 4, 1999.  
 NAFTA-TAA-04076; Reynolds Metals Co., Troutdale, OR: August 9, 1999.

I hereby certify that the aforementioned determinations were issued during the month of November, 2000. 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: November 27, 2000.

**Edward A. Tomchick,**  
 Director, Division of Trade Adjustment Assistance.

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## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

**[NAFTA-04101]**

#### **The Garden Grow Co., Lilly Miller Packet Seed Division, Wilsonville, OR; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated November 2, 2000, the petitioner requested administrative reconsideration of the Department's negative determination regarding worker eligibility to apply for NAFTA-Transitional Adjustment Assistance. The denial notice was

signed on October 6, 2000 and published in the **Federal Register** on November 1, 2000 (65 FR 65331).

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 misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioner requested that the Department reassess the findings that The Garden Company has *not* shifted production to Canada, nor has the Division of Lilly Miller. No new information concerning the decision was provided by the petitioner for reconsideration.

The Department's denial of NAFTA-TAA was based on the findings 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. Findings of the investigation showed that workers of The Garden Grow Company, Lilly Miller Packet Seed Division, Wilsonville, Oregon packaged seed in paper envelopes. The Department's denial of NAFTA-TAA for workers of the subject firm was based on the finding that there was no shift of production from the Wilsonville, Oregon production facility to Mexico or Canada. Sales and production were relatively flat. The workers were separated because the subject division was sold to a competitor who is shifting the work to another domestic location.

Although, the company has shifted some production (plastic seed bottle production) to Canada, no shifts in production have occurred during the relevant period.

#### **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 at Washington, DC, this 21st day of November 2000.

**Linda G. Poole,**  
 Certifying Officer, Division of Trade Adjustment Assistance.

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