

of Eligibility to Apply for Worker Adjustment Assistance and a negative determination to apply for Alternative Trade Adjustment Assistance on May 13, 2004, applicable to workers of Moosehead Manufacturing, Monson, Maine.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of furniture.

New findings show that the information provided by Moosehead Manufacturing Company in the petition for Trade Adjustment Assistance and, consequently, in the Business Confidential Data Request form, included the company's Dover-Foxcroft facility in Maine. Workers at the Dover-Foxcroft, Maine facility also produce furniture, and their layoffs were due to the same circumstances.

Accordingly, the Department is amending the certification to cover workers at Moosehead Manufacturing Company, Dover-Foxcroft, Maine.

The intent of the Department's certification is to include all workers of Moosehead Manufacturing Company who were adversely affected by increased imports.

The amended notice applicable to TA-W-54,820 is hereby issued as follows:

All workers of Moosehead Manufacturing Company, Monson, Maine (TA-W-54,820) and Moosehead Manufacturing Company, Dover-Foxcroft, Maine (TA-W-54,820A), who became totally or partially separated from employment on or after April 7, 2003, through May 13, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

I further determine that all workers of Moosehead Manufacturing Company, Monson and Dover-Foxcroft, Maine, are denied eligibility to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 28th day of May, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,183]

#### Northland Cranberries, Inc., Jackson Plant, Jackson, Wisconsin; Notice of Negative Determination Regarding Application for Reconsideration

By application of April 21, 2004, a petitioner 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). The denial notice was signed on March 17, 2004, and published in the **Federal Register** on April 6, 2004 (69 FR 18109).

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 TAA petition, filed on behalf of workers at Northland Cranberries, Inc., Jackson Plant, Jackson, Wisconsin, was denied because the "contributed importantly" group eligibility requirement of section 222 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 entities to which the subject facility submitted bids for bottled juice products in 2002, 2003 and January 2004. This survey revealed no bids of bottled juice products awarded to foreign entities during the relevant period. The subject firm did not increase its reliance on imports of bottled juice products during the relevant period.

The request for reconsideration alleges that the company was importing raw materials.

The foreign sourcing of raw materials is not a factor in determining the import impact of the finished product. In assessing import impact in connection with petitioning worker eligibility for TAA, the Department considers data regarding imports that are like or directly competitive with those produced at the subject firm.

The petitioner further alleges that two major customers of the subject firm "pulled out" of Northland Cranberries, Inc. to use other companies including foreign bottling facilities.

The Department conducted a survey of the additional customers provided by the petitioner in the request for reconsideration. These customers reported no imports of like or directly competitive products with those manufactured by the subject firm during the relevant period. The surveyed customers further stated that all bottling of juices previously done for them by the subject firm was shifted to other domestic facilities.

### 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 4th day of June, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,128]

#### Precision Disc Corp., Knoxville, TN; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of April 14, 2004, the Sheet Metal Workers Union, Local 555, 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 determination was signed on March 15, 2004, and the notice was published in the **Federal Register** on April 6, 2004 (69 FR 18109).

The Department reviewed the request for reconsideration and has determined that the petitioner has provided additional information. Therefore, the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.