

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may

request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 21, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 21, 1995.

The petitions filed in this case are available for inspection at the Office of

the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 30th day of January, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Union Camp Corp (UPIU)	Savannah, GA	01/30/95	01/16/95	30,688	Paper Bags for Retail Customers.
Baker Hughes Inteq (Co)	Houston, TX	01/30/95	01/06/95	30,689	Oil and Gas.
Pennzoil Products Co (OCAW)	Roosevelt, UT	01/30/95	01/12/95	30,690	Petroleum Products.
Champion Technologies, Inc (wkrs) ...	Houston, TX	01/30/95	01/18/95	30,691	Oilfield Chemicals.
Eveready Battery Co (wkrs)	Red Oak, IA	01/30/95	01/17/95	30,692	Batteries.
Hudson Valley Polymers (wkrs)	Poughkeepsie, NY .	01/30/95	01/06/95	30,693	Rubber Parts for Milking Equip.
Leica, Inc (Co)	Buffalo, NY	01/30/95	01/17/95	30,694	Ophthalmic Instruments.
Malcolm Clothing Corp. (ILGWU)	Passaic, NJ	01/30/95	01/17/95	30,695	Women's Coats.
Statler Tissue Co (UPIU)	Augusta, ME	01/30/95	01/13/95	30,696	Tissue.
Empire Manufacturing Co (wkrs)	Winder, GA	01/30/95	01/05/95	30,697	Casual Slacks & Shorts.
Classic Fashions (ILGWU)	Paterson, NJ	01/30/95	01/17/95	30,698	Ladies' Coats.
Novelle Industries, Inc (wkrs)	Miami, FL	01/30/95	01/18/95	30,699	Ladies' Sportswear.
E.G. & G Vactec, Inc (UAW)	St. Louis, MO	01/30/95	01/18/95	30,700	Photocells.

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[TA-W-29,927; NAFTA-00120]

**Walker Manufacturing Company
Hebron, Ohio; Negative Determination
on Reconsideration**

On December 14, 1994 the United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a voluntary remand for further investigation in *UAW Local 1927 and Employees and Former Employees of Walker Manufacturing v. Secretary of Labor* (94-10-00584).

The workers filing under petition TA-W-29,927 were initially denied eligibility to apply for trade adjustment assistance (TAA) on September 2, 1994 (59 FR 45711) and denied on application for reconsideration on October 5, 1994 (59 52194). The Department's denial was based on the fact that increased import criterion and the "contributed importantly" test of the Worker Group Eligibility Requirements of the Trade Act were not met. U.S. imports of mufflers and exhaust pipes declined in 1993 compared to 1992 and in the latest twelve month period ending in May 1994 compared to the same twelve month period ending in May 1993.

The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department's survey of Hebron's sole customer shows that the sole customer's import purchases were not important relative to Hebron's sales during the relevant period.

The workers were also denied under the NAFTA petition (NAFTA-00120) on June 30, 1994 (59 FR 3997) and on reconsideration on October 7, 1994 (59 FR 53213). The Department's denial was based on the fact that neither the increased import criterion from Mexico or Canada nor the shift in production to Mexico or Canada criterion of the Worker Group Eligibility Requirements of the NAFTA provisions of the Trade Act were met.

The record states that the Ohio Bureau of Employment Security (OBES) made a preliminary finding that the employment and production decline and the aggregate import criteria had been met. Under the NAFTA-TAA provisions, the State does not make a finding on the "contributed importantly" test.

On remand the Department contacted the plaintiff's counsel, and other witnesses to provide the Department with any information or documentation that would contradict the Department's negative determinations. The plaintiffs indicated that about 50 resonator

workers were laid off in February, 1994 and that 40 percent of the plant's production was shipped to Mexico prior to the phasedown.

The remand findings show that the Walker plant in Mexico does not produce any products for the workers' firm's only customer.

The findings also show that no production was transferred to Mexico as a result of the closure of the Hebron plant. Only the production of resonator bodies was transferred to Canada; however, this accounted for only a very small portion of Hebron's total production and the workers were not separately identifiable by product. All other production was transferred to company owned domestic plants.

The Department's survey showed that Hebron's customers did not decrease their purchases of exhaust systems from Hebron and increase their imports from Mexico or Canada in the relevant period.

The findings on remand show that as a result of the Hebron closure, the company is making its excess machinery available to other corporate North American plants including the one in Mexico. According to several company officials, the Hebron closing is the result of capacity issues within Walker Manufacturing in North America.

The transfer of machinery from a domestic plant to a Mexican or Canadian plant would not form a basis for a worker group certification under the NAFTA provisions of the Trade Act. The NAFTA provisions to the Trade Act specifically state that there must be a transfer of production from a domestic firm to a Mexican or Canadian plant to be eligible to apply for transitional adjustment assistance, not machinery associated with that or any other type of production.

Further, the Department has never considered in any of its investigations under the NAFTA provisions of the Trade Act that the transfer of machinery is tantamount to the transfer of production. Certification under the NAFTA provisions of the Trade Act is premised on increased imports of articles from Mexico or Canada that are like or directly competitive with those produced at the workers' firm or a shift in production to Mexico or Canada of articles that are like or directly competitive with those produced at the workers' firm. Accordingly a shift of machinery or other capital assets would not meet the shift in production criterion of the NAFTA Worker Group Eligibility Requirements.

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, D.C., this 27th day of January 1995.

Victor J. Trunzo,

Program Director, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

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Job Training Partnership Act: Native American Programs; Proposed Total Allocations and Allocation Formulas for Program Year 1995 Regular Program and Calendar Year 1995 Summer Youth Employment and Training Program

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The ETA of the Department of Labor (DOL) is publishing the proposed Native American allocations, distribution formulas and rationale, and individual grantee planning estimates for Program Year (PY) 1995 (July 1, 1995-June 30, 1996) for regular programs funded under Title IV-A of the Job Training Partnership Act (JTPA), and for Calendar Year (CY) 1995 for Summer Youth Employment and Training Programs (SYETP) funded under Title II-B of the JTPA.

DATES: Written comments on this proposal are invited and must be received on or before March 13, 1995.

ADDRESSES: Send written comments to: Mr. Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, room N-4641, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Dowd, Phone: 202-219-8502 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to Section 162 of the JTPA, ETA of the DOL publishes below for review and comment the proposed allocations and distribution formulas for areas to be served by Native American grantees to be funded under JTPA Section 401, and JTPA Title II, Part B. The amounts to be distributed are \$64,080,040 for the JTPA Section 401 programs for PY 1995 (July 1, 1995-June 30, 1996); and \$15,768,370 for the JTPA Title II, Part B, SYETP for the Summer of CY 1995. The planning

estimates reflect the existing grantees and their currently assigned areas, and are subject to change for such reasons as Administrative Law Judge decisions, the possibility that a grantee will want to have its designation withdrawn, and legislative changes.

The formula for allocating JTPA Section 401 funds provides that 25 percent of the funding will be based on the number of unemployed Native Americans in the grantee's area, and 75 percent will be based on the number of poverty-level Native Americans in the grantee's area.

The formula for allocating SYETP funds divides the funds among eligible recipients based on the proportion that the number of Native American youths in a recipient's area bears to the total number of Native American youths in all eligible recipients' areas.

The rationale for the above formulas is that the number of poverty-level persons, unemployed persons, and youths among the Native American population is indicative of the need for training and employment funds.

Statistics on youths, unemployed persons, and poverty-level persons among Native Americans used in the above programs are derived from the Decennial Census of the Population, 1990.

Signed at Washington, D.C., this 6th day of February 1995.

Douglas Ross,

Assistant Secretary of Labor.

**U.S. Department of Labor—
Employment and Training
Administration, PY 1995 Title IV-A
and CY 1995 Title II-B (Summer 1995)
Planning Estimates for Native
American Grantees, (Date)**

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