

## PART 315—CERTIFICATION AND ADJUSTMENT ASSISTANCE FOR FIRMS

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SOURCE: 60 FR 49696, Sept. 26, 1995, unless otherwise noted.

### Subpart A—General Provisions

#### § 315.1 Purpose and scope.

The regulations in this part implement certain changes to responsibilities of the Secretary of Commerce under Chapter 3 of Title II of the Trade Act of 1974, as amended (19 U.S.C. 2341 et. seq.) (Trade Act), concerning adjustment assistance for firms. The statutory authority and responsibilities of the Secretary of Commerce relating to adjustment assistance are delegated to EDA. EDA has the duties of certifying firms as eligible to apply for adjustment assistance, providing technical adjustment assistance to eligible recipients, and providing assistance to organizations representing trade injured industries.

#### § 315.2 Definitions.

As used in this part 315:

*Adjustment assistance* is technical assistance provided to firms or industries under Chapter 3 of Title II of the Trade Act.

*Adjustment proposal* means a certified firm's plan for improving its economic situation.

*Certified firm* means a firm which has been determined by EDA to be eligible to apply for adjustment assistance.

*Confidential business information* means information submitted to EDA or TAACs by firms that concerns or relates to trade secrets for commercial or financial purposes which is exempt from public disclosure under 5 U.S.C. 552(b)(4), 5 U.S.C. 552 b(c)(4) and 15 CFR part 4.

*Decreased absolutely* means a firm's sales or production has declined:

- (1) Irrespective of industry or market fluctuations; and
- (2) Relative only to the previous performance of the firm;

*Directly competitive* means:

- (1) Articles which are substantially equivalent for commercial purposes, i.e., are adapted to the same function or use and are essentially interchangeable; and
- (2) Oil or natural gas (exploration, drilling or otherwise produced);

*Firm* means an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy or receiver under court decree and including fishing, agricultural entities and those which explore, drill or otherwise produce oil or natural gas. When a firm owns or controls other firms as described below, for purposes of receiving benefits under this part, the firm and such other firms may be considered a single firm when they produce like or directly competitive articles or are exerting essential economic control over one or more production facilities. Such other firms include:

- (1) Predecessor;
- (2) Successor;
- (3) Affiliate; or
- (4) Subsidiary.

*A group of workers threatened with total or partial separation* means there is