

the Altoona facility into the Medina, Ohio plant. The company further indicated that the products were similar at both locations, the requisite skills of employees are the same and that it is more efficient to run one larger plant than two smaller plants.

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 decisions. Accordingly, the application is denied.

Dated: Signed at Washington, DC, this 2nd day of January, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-39,265 and TA-W-39,265A]

McGinley Mills, Inc., Phillipsburg and Easton, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on September 4, 2001, applicable to workers of McGinley Mills, Inc., Easton, Pennsylvania. The notice was published in the **Federal Register** on September 21, 2001, (66 FR 48707).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the Phillipsburg, New Jersey location of McGinley Mills, Inc. The Phillipsburg, New Jersey location produces woven greige goods needed for the production of ribbons and ribbon products at the Easton, Pennsylvania location of the subject firm.

Based on these findings, the Department is amending the certification to include workers of the Phillipsburg, New Jersey location of McGinley Mills, Inc.

The intent of the Department's certification is to include all workers of McGinley Mills, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA-W-39,265 is hereby issued as follows:

All workers of McGinley Mills, Inc., Easton, Pennsylvania (TA-W-39,265) and McGinley Mills, Inc., Phillipsburg, New Jersey (TA-W-39,265A) who became totally or partially separated from employment on or after April 26, 2000, through September 4, 2003, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 17th day of January, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-39,380]

Spinnaker Coating Maine Incorporated Westbrook, ME; Notice of Negative Determination Regarding Application for Reconsideration

By application dated September 28, 2001, the PACE International Union, Local 1069 requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on August 23, 2001, and published in the **Federal Register** on September 11, 2001 (66 FR 47242).

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 petition for the workers of Spinnaker Coating Maine Co., Westbrook, Maine 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 customers of the workers' firm. The survey revealed that none of the

respondents increased their purchases of imported pressure sensitive paper (including EDP, thermal transfer, semi gloss etc.), while decreasing their purchases from the subject firm during the relevant period.

The petitioner believes that the Labor Department looked at the wrong product made by Spinnaker Coating Maine Incorporated.

The Department's decision was based on the correct product (pressure sensitive paper). The Department inadvertently referenced the wrong U.S. import category, pressure sensitive labels (HTS-4821902000). The correct product produced at the company plant is classified under the category pressure sensitive papers (HTS-4811210000). The Department uses import statistics as an indicator, but relies primarily on customer surveys to determine if imports "contributed importantly" to the declines in sales and/or production and employment at the subject firm. The Department examined the new data supplied (pressure sensitive paper), but based on other data collected during the initial investigation does not consider the import data as contributing importantly to the workers layoffs, due to the survey responses showing an overwhelming reliance on domestic customer purchases of pressure sensitive papers (including EDP, thermal transfer, semi gloss etc) during the relevant period.

The petitioner also feels that the time period considered in the investigation is not correct.

The Department examined the pertinent time periods of 1999, 2000 and the January through June 2001 over the corresponding 2000 period.

The petitioner further indicates that the Department failed to survey the major customers properly and that a specific customer switched from buying from the subject firm in favor of buying imported thermal transfer pressure sensitive paper (a product similar to what was purchased from the subject firm). That customer stopped buying thermal transfer pressure sensitive paper from the subject firm during February 1999, which is beyond the relevant impact period for this petition and investigation.

The survey, as already indicated, revealed that none of the respondents increased their purchases of imported pressure sensitive papers, (including EDP, thermal transfer, semi gloss etc.) importantly, while decreasing their purchases from the subject firm during the relevant period. The survey further revealed that the overwhelming majority of lost company business was due to customers purchasing products that are