

## DEPARTMENT OF LABOR

Employment and Training  
Administration

[TA-W-30,617]

Shaw Pipe, Incorporated Highspire,  
Pennsylvania Notice of Negative  
Determination of Reconsideration on  
Remand

The United States Court of International Trade (USCIT) remanded for further investigation the Secretary of Labor's negative determination in *Former Employees of Shaw Pipe, Inc. v. Secretary of Labor*, No. 95-04-00482.

The Department's initial denial of the petition for employees of Shaw Pipe, Incorporated, Highspire, Pennsylvania, was issued on February 24, 1995 and published in the **Federal Register** on March 10, 1995 (60 Fed. Reg. 13,177). The denial was based on the fact that the workers provided a service and did not produce an article.

On remand, during the Department's investigation, it was determined that the work performed by employees of Shaw Pipe, Incorporated, consisted of applying concrete and polyethylene coatings to small and large diameter pipe which is ultimately used for pipeline transmission. The purpose of coating steel pipe is to prevent rust and corrosion, and thus, extend the life of the pipe. Findings on remand show that in the coating process performed by employees at the subject firm, the pipe moves along a conveyor line and the coating is applied to the pipe.

Other findings on remand show that coating the pipe does not change the end use of the pipe. Subject firm officials report the pipe used for pipeline transmission could be used without the protective coating, but it is not likely. Therefore, it can be concluded that the coating of pipe does not constitute the production of a tangible or new product.

Remand findings also show that the subject firms closed the Highspire, Pennsylvania plant because the contract with the primary customer was not renewed. The customer awarded the contract to another domestic company.

Even if the work performed at Highspire was considered the production of a new product, the workers would not be eligible to apply for Trade Adjustment Assistance because they did not meet all of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended. Although criteria (1) and (2) were met, criterion (3) was not met because the primary customer of the

subject firm awarded the pipe coating contract to another domestic company. Thus, increased imports did not contribute to the separation of the workers or to Shaw Pipe's decline in sales and production.

**Conclusion**

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Shaw Pipe, Incorporated, Highspire, Pennsylvania.

Signed at Washington, D.C. this 2nd day of May 1997.

**Russell T. Kile,**

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

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## DEPARTMENT OF LABOR

Employment and Training  
Administration

[TA-W-33, 128; TA-W-33,128A]

The Stanley Works Shelbyville Plant of  
Hand Tools Division, Shelbyville,  
Tennessee; The Stanley Works Pulaski  
Handle Manufacturing Plant & Hand  
Tool Division, Pulaski, Tennessee;  
Amended Certification Regarding  
Eligibility To Apply for Worker  
Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 26, 1997, applicable to all workers of The Stanley Works, Shelbyville Plant of Hand Tools Division, Shelbyville, Tennessee. The notice was published in the **Federal Register** on March 21, 1997 (62 FR 13710).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations did occur at the subject firm's Pulaski, Tennessee location in early April, 1997 and are expected to continue throughout 1997. The workers are engaged in employment related to the production of hickory wood and tubular steel handles used in the manufacture of low and mid-line hammer products. The production of handles at The Stanley Works' Pulaski, Tennessee plant contributes to the production of hammers at the Stanley Works' Shelbyville, Tennessee plant.

Accordingly, the Department is amending the certification to cover workers at the subject firms' Pulaski, Tennessee plant.

The intent of the Department's certification is to include all workers of The Stanley Works adversely affected by increased imports.

The amended notice applicable to TA-W-33,128 is hereby issued as follows:

All workers of The Stanley Works, Shelbyville Plant of Hand Tools Division, Shelbyville, Tennessee (TA-W-33,128), The Stanley Works, Pulaski Handle Manufacturing Plant & Hand Tool Division, Pulaski, Tennessee (TA-W-33,128A) who became totally or partially separated from employment on or after January 9, 1996 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 25th day of April, 1997.

**Russell T. Kile,**

*Program Manager, Policy and Reemployment Services, Office of Trade Adjustment.*

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## DEPARTMENT OF LABOR

Employment and Training  
Administration

[TA-W-33,107]

Systems & Electronics, Inc., West  
Plains, Missouri; Notice of Affirmative  
Determination Regarding Application  
for Reconsideration

By letter of March 26, 1997, the IAMAW District 9, Local Lodge 2782, requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers of the subject firm. The denial notice was signed on March 14, 1997, and published in the **Federal Register** on March 31, 1997 (62 FR 15199).

The petitioner presents evidence that the Department's customer survey was incomplete.

**Conclusion**

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.