

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.*

[FR Doc. 02-2340 Filed 1-30-02; 8:45 am]

**BILLING CODE 4510-30-M**

## 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.*

[FR Doc. 02-2347 Filed 1-30-02; 8:45 am]

**BILLING CODE 4510-30-M**

## 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

like and directly competitive with what the subject plant produced from other domestic sources and only small amounts of imports (and declining) were purchased during the relevant period.

The petitioner further alleges that they feel declining price is a factor in the company sales declines. Price is not a factor that is considered in meeting the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended.

The petitioner also indicates that a foreign producer of products that are like and directly competitive with what the subject firm produces is importing at a lower price and indicates that this is the reason for the plant's problems. Based on the survey results, as already indicated, this is not a major factor contributing to the company's declines in sales, production and employment.

### 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 26th day of December 2001.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 02-2338 Filed 1-30-02; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

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, Division of Trade Adjustment Assistance, at the address shown below, not later than February 11, 2002.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 11, 2002.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 31st day of December, 2001.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

## APPENDIX

[Petitions Instituted on 12/31/2001]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
40,496	Stanley Furniture Co. (Co.)	West End, NC	12/20/2001	Wood Furniture.
40,497	Lundeen's, Inc. (Wkrs)	North Platte, NE	12/19/2001	Platinum and Palladium.
40,498	Precision Twist Drill (USWA)	Rhineland, WI	11/20/2001	Twist Drill Bits.
40,499	Swift Spinning Mills (Co.)	Columbus, GA	12/19/2001	Ring Spun Cotton.
40,500	Marubeni Denim (Co.)	Columbus, GA	12/19/2001	Denim Fabric.
40,501	Motorola, Inc. (Wkrs)	Schaumburg, IL	10/31/2001	Telecommunication System Hardware.
40,502	Midcom (Co.)	Watertown, SD	12/03/2001	Transformers.
40,503	International Paper (Wkrs)	Menasha, WI	11/13/2001	Silicone Coated Substrate.
40,504	LTV Steel Corp (Wkrs)	East Chicago, IN	12/19/2001	Sheet Steel.
40,505	Tee Tease LLC (Wkrs)	Commerce, CA	10/31/2001	Print T-Shirts.
40,506	Sunrise Medical (Co.)	Oshkosh, WI	10/29/2001	Mobile Lifting Devices.
40,507	Dresser Piping (IAMAW)	Bradford, PA	09/24/2001	Pipeline Products.
40,508	Lexington Home Brands (Co.)	Spruce Pines, NC	10/23/2001	Furniture.
40,509	Tmerys Kaolin (Co.)	Dry Branch, GA	10/24/2001	Kaolin Clay.
40,510	Applied Concepts (Wkrs)	Warrendale, PA	11/14/2001	Hand Tools.
40,511	Lea Wayne Knitting Mills (Wkrs)	Morristown, TN	11/09/2001	Socks/Hosiery.
40,512	Robert Mitchell-Douglas (Co.)	Portland, ME	12/14/2001	Stainless Steel Pipe and Fittings.
40,513	American Power Conversion (Wkrs)	West Warwick, RI	12/12/2001	Power Supplies.
40,514	Senco Products, Inc (Wkrs)	Cincinnati, OH	10/24/2001	Staplers, Nailers, Fasteners.
40,515	IEC Electronics (Wkrs)	Newark, NY	10/04/2001	Assemble Electronic Equipment.
40,516	Bayer Clothing Group (UNITE)	Clearfield, PA	12/04/2001	Men's Tailored Suits.
40,517	Artex International, Inc. (Co.)	Boiling Springs, NC	11/23/2001	Cloth Table Skirting and Napkins.
40,518	Marconi (Wkrs)	Milwaukee, WI	11/06/2001	Telecommunication Cabinets.
40,519	Agilent Technologies (Wkrs)	Liberty Lake, WA	12/03/2001	Electronic Test Equipment.
40,520A	Hoskins Manufacturing Co. (Co.)	Lewiston, MI	11/19/2001	Specialty Alloy Wires.
40,520	Hoskins Manufacturing (Co.)	Mio, MI	11/19/2001	Specialty Alloy Wires.
40,521	Republic Technologies (USWA)	Akron, OH	11/19/2001	Steel Bar.
40,522	Johnson Controls Retail (Wkrs)	Reynoldsburg, OH	11/08/2001	Temperature and Lighting Controls.
40,523	Parallax Power Components (Co.)	Goodland, IN	12/17/2001	Transformers.
40,524	Intermetro Industries (Co.)	Douglas, GA	11/19/2001	Wire Steel Shelving.
40,525	Boeing Company (The) (IAMAW)	Renton, WA	12/18/2001	Commercial Aircraft.