

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Ericsson, Research Triangle Park (RTP), North Carolina, were engaged in activities related to the research and development of software (embedded software) to be installed in digital cell phones for a firm which sold digital cell phones. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

The petitioner alleges that Ericsson, Research Triangle Park, North Carolina produced digital cell phone software.

Information supplied by the company indicates that the workers at Ericsson, Research Triangle Park, North Carolina were primarily engaged in research, development and sales of mobile telephone equipment. This included the designing of mobile phones and the development of software (activities related to the research, and development of embedded software for digital cell phones). Administrative and support-type personnel were also located at the site performing finance, IT, legal, facilities management and human resource functions. There was no manufacturing performed at the subject facility.

The investigation further revealed that the major contributing factors to the layoffs at the subject plant were related to a decline in the demand for cell phones and a worldwide joint venture agreement between the subject firm and Sony during the relevant period.

The workers at the subject firm do not produce an article within the meaning of Section 222(3) of the Trade Act 1974.

#### 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 9th day of May, 2002.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-40,331]

#### Georgia-Pacific West, Camas, WA; Notice of Negative Determination on Reconsideration

On April 10, 2002, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 2, 2002 (67 FR 22116).

The Department initially denied TAA to workers of Georgia-Pacific West, Camas, Washington because the "contributed importantly" group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The investigation revealed that customers did not increase their import purchases of technical specialty paper during the relevant period. The workers at the subject firm were engaged in employment related to the production of technical specialty paper.

On reconsideration, as requested by the Association of Western Pulp Paper Workers, the Department surveyed additional customers of Georgia Pacific-West regarding their purchases of technical specialty paper for 1999, 2000 and 2001. The survey revealed that none of these customers purchased imports of technical specialty paper during the relevant period.

#### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Georgia-Pacific West, Camas, Washington.

Signed at Washington, DC, this 21st day of May 2002.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-40,695]

#### Nolato Shieldmate, Inc., Itasca, IL; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 14, 2002, the company 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 February 25, 2002, and published in the **Federal Register** on March 20, 2002 (67 FR 13010).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Nolato Shieldmate, Inc., Itasca, Illinois 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 denial was based on evidence indicating that customers of the subject firm do not import plastic housings for cellular phones. The relocation by a customer of their cell phone production to a foreign site necessitated a reliance on local sources for the phone housings. Complete cellular phones are not like or directly competitive with the phone housings made by the subject firm and cannot be used as a basis for certification.

The petitioner feels that the eligibility criteria have been met based on the fact that the manufacture of cellular phone housing sub-assemblies (plastic housings) has moved to China, even though the cellular telephone housing sub-assemblies are not imported back to the United States. The petitioner further states that product is a component of a cellular phone that is imported back to the United States.

The imports of any other product by the company or customer is not relevant to this petition that was filed on behalf