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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,271]

#### P & R Sewing, Moosic, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 19, 2004, in response to a worker petition filed by a company official on behalf of workers at P & R Sewing, Moosic, Pennsylvania.

The petition regarding the investigation has been deemed invalid. In order to establish a valid worker group, there must be at least three full-time workers employed at some point during the period under investigation. Workers of the group subject to this investigation did not meet the threshold of employment. Consequently the investigation has been terminated.

Signed in Washington, DC this 29th day of July, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,073]

#### R/D Tech, Madison, PA; Notice of Revised Determination on Reconsideration

By letter dated July 23, 2004, a petitioner requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The negative determination was signed on June 28, 2004. The notice will soon be published in the **Federal Register**.

The workers of Badger R/D Tech, Madison, Pennsylvania were certified for Trade Adjustment Assistance (TAA) on June 28, 2004.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

The petitioner alleges in the request for reconsideration that the skills of the workers at the subject firm are not easily transferable.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

#### Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

- All workers of R/D Tech, Madison, Pennsylvania, who became totally or partially separated from employment on or after June 2, 2003 through June 28, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC this 30th day of July, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54, 506]

#### Sanford Pattern Works, Inc. Taylor, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application of June 28, 2004, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Sanford Pattern Works, Inc., Taylor, Michigan was signed on April 21, 2004, and published in the **Federal Register** on June 2, 2004 (69 FR 31134).

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 TAA petition was filed on behalf of workers at Sanford Pattern Works, Inc., Taylor, Michigan engaged in production of polystyrene patterns for the tool & die industry. The petition was denied because the "contributed importantly" group eligibility requirement of Section 222 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 the major declining customer did not import polystyrene patterns during the relevant time period.

In the request for reconsideration, the petitioner requests to extend the investigation and includes Blue Print products which are allegedly being imported from China.

A company official was contacted to confirm whether blue prints are produced by the subject firm. The company official stated that Sanford Pattern Works, Inc., does not produce blue prints for sales to customers. Any blue prints produced by the workers of the subject firm are used internally for the production of polystyrene patterns. The official further stated that the subject firm did not shift any production nor did it import any products during the relevant period.

The petitioner further states that even though polystyrene patterns manufactured by the subject firm are not being imported by its customers, customers use these patterns in the production of dies, which are now being built and imported by customers from China. The petitioner concludes that, because the production of dies occurs abroad, the subject firm workers producing polystyrene patterns are import impacted.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. The Department conducted a survey of the subject firm's major declining customer. The survey revealed that the customer did not import polystyrene patterns during the relevant period.

#### 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.