

after August 16, 2003, through September 13, 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 at Washington, DC this 13th day of October 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,560]

Lacey Manufacturing Company, FAG Holding Corporation, MCA Product Line, Including Leased Workers of Adecco Staffing Services, Bridgeport, CT; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Negative Determination Regarding Eligibility to Apply for Alternative 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 and Negative Determination Regarding Alternative Trade Adjustment Assistance on September 23, 2004, applicable to workers of Lacey Manufacturing Company, MCA Product Line, including leased workers of Adecco Staffing Services, Bridgeport, Connecticut. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of disposable surgical devices.

New information provided by the company shows that FAG Holding Corporation is the parent firm of Lacey Manufacturing Company. Information also shows that workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for FAG Holding Corporation.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Lacey Manufacturing Company, MCA Product Line, including leased workers of ADECCO who were adversely affected by increased imports.

The amended notice applicable to TA-W-55,560 is hereby issued as follows:

"All workers of Lacey Manufacturing Company, FAG Holding Corporation, MCA Product Line, including leased workers of ADECCO Staffing Services, Bridgeport, Connecticut, who became totally or partially separated from employment on or after September 2, 2003, through September 23, 2006, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

I further determine that all workers of Lacey Manufacturing Company, FAG Holding Corporation, MCA Product Line, including ADECCO Staffing Services, Bridgeport, Connecticut are denied eligibility to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 13th day of October 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,233]

Meadwestvaco Corporation Including Leased Workers of D&H Associates, Inc. and Proserv, Inc. Escanaba Mills, Escanaba, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application of September 7, 2004, a petitioner representative 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 was signed on August 10, 2004 and published in the **Federal Register** on September 8, 2004 (69 FR 54321).

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, which was filed on behalf of workers at Meadwestvaco Corporation, Escanaba Mills, Escanaba, Michigan, engaged in the production of coated paper, was denied based on the findings that during the relevant time periods, the subject company did not separate or threaten to separate a significant number or proportion of workers, as required by Section 222 of the Trade Act of 1974; that subject company's sales and production had increased from 2002 to 2003, and also increased during January through July 2004 compared to 2003; and that the subject company did not shift production abroad.

In the request for reconsideration, the petitioner alleges that the Department "did not take into account the true number of affected workers and job losses due to lost sales to foreign competition."

For companies with a workforce of over fifty workers, a significant proportion of worker separations or threatened separations is five percent. In determining whether there were a significant proportion of workers separated or threatened with separations at the subject company during the relevant time periods, the Department requested employment figures for the subject company's Escanaba Mills for 2002, 2003, January-July 2003 and January-July 2004. A careful review of the information provided in the initial investigation revealed that employment at the Escanaba Mills declined about two percent during the relevant time period.

A petitioner was contacted to clarify the statement of "the true number of affected workers". The petitioner informed that a significant number of workers had been separated from the subject firm since 1998 and that this number should be taken into consideration by the Department.

When assessing eligibility for TAA, the Department exclusively considers the relevant employment data for the facility where the petitioning worker group was employed. The relevant period represents four quarters back from the date of the petition, thus data from 1998 is irrelevant in this investigation. As employment levels, sales and production at the subject facility did not decline in the relevant period, and the subject firm did not shift production to a foreign country, criteria (a)(2)(A)(I.A), (a)(2)(B)(II.A), (a)(2)(A)(I.B), and (a)(2)(B)(II.B) have not been met.

The request for reconsideration also alleged that the subject company failed to provide key customer contact information.