

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-37,047]

**Marathon Ashland Pipe Line LLC
Bridgeport, Illinois; Notice of Negative
Determination Regarding Application
for Reconsideration**

By application dated December 16, 1999, a representative for one of the petitioners (herein after referred to as the petitioner) requested administrative reconsideration of the Department's negative determination regarding eligibility for workers of the subject firm to apply for worker adjustment assistance. The denial notice applicable to workers of Marathon Ashland Pipe Line LLC, transporting crude oil and petroleum products via pipeline in Bridgeport, Illinois, was signed on December 2, 1999 and published in the **Federal Register** on December 28, 1999 (64 FR 72691).

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 denial of TAA for workers of Marathon Ashland Pipe Line LLC, Bridgeport, Illinois, was based on the finding that the workers provided a service and did not produce an article as required by Section 222(3) of the Trade Act of 1974, as amended.

The petitioner asserts that the workers in Bridgeport were gaugers for the subject firm and tested the oil before it could be transported into the pipeline. The petitioner also asserts that the crude oil acquisition department of Marathon Oil Company (the parent company of the subject firm) worked directly with and set the perimeter for the acceptance or rejection of the crude oil.

The 1988 Omnibus Trade and Competitiveness Act amendments to the Trade Act of 1974 extended coverage to service workers engaged in exploration and drilling for crude oil and natural gas. The same consideration cannot be given to those workers engaged in employment related to the transmission of crude oil or natural gas after drilling.

The petitioner also states that layoffs at the subject firm were caused by a reduced demand for services by the parent company.

Service workers may be certified for TAA only if there is a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership, or a firm related by control. Although there have been TAA certifications for some Marathon Oil Company workers, the subject firm did not serve the locations under existing certification.

Findings in the initial investigation but not elaborated on in the decision document showed that worker separations were the result of the sale of the subject firm assets to another company.

Conclusion

After review of the application and investigative finds, 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, D.C. this 11th day of February 2000.

Grant D. Beale,

*Program Manager, Division of Trade
Adjustment Assistance.*

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-36,947]

**Smurfit-Stone Container Corp., A/K/A
Stone Container Corp, El Paso, Texas;
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 Certification of Eligibility to Apply for Worker Adjustment Assistance on January 18, 2000, applicable to workers of Smurfit-Stone Container Corp., El Paso, Texas. 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 non-corrugated folding boxes, a.k.a. paperboard. New information provided by the State shows that some of the claimants' wages are being reported under the Unemployment Insurance

(UI) tax account for Stone Container Corp., El Paso, Texas.

The intent of the Department's certification is to include all workers of Smurfit-Stone Container Corp. who were adversely affected by imports.

Accordingly, the Department is amending the certification to cover the workers of Smurfit-Stone Corp., also known as Stone Container Corp., El Paso, Texas.

The amended notice applicable to TA-W-36,947 is hereby issued as follows:

All workers of Smurfit-Stone Container Corp., also known as Stone Container Corp., El Paso, Texas who became totally or partially separated from employment on or after September 27, 1998 through January 18, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 11th day of February, 2000.

Grant D. Beale,

*Program Manager, Division of Trade
Adjustment Assistance.*

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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 March 3, 2000.

Interested persons are invited to submit written comments regarding the