

## APPENDIX—Continued

Subject firm	Location	Date received at Governor's Office	Petition No.	Articles produced
Jabil Circuit, Inc. (Wrks) .....	Meridian, ID .....	09/24/2002	NAFTA-7,590	Printed Circuit Assemblies.
Barth and Dreyfuss of California (Wrks).	Burbank, CA .....	10/01/2002	NAFTA-7,591	Home Furnishing.
J-Star Industries, Inc. (Comp) .....	Ft. Atkinson, WI .....	10/07/2002	NAFTA-7,592	Dairy Farm Equipment.
Deluxe Craft Photo Albums (Wrks) ..	Chicago, IL .....	10/01/2002	NAFTA-7,593	Photo Albums.
Juno, Inc. (Wrks) .....	Blytheville, AR .....	09/16/2002	NAFTA-7,594	Plastic Tool Parts.
Microelectronic Modules Corp (Wrks)	New Berlin, WI .....	10/03/2002	NAFTA-7,595	Computer Chips.
La Grange Foundry, Inc. (Wrks) .....	La Grange, MO .....	10/03/2002	NAFTA-7,596	Castings.
Spicer Axle Division (UAW) .....	Syracuse, IN .....	10/03/2002	NAFTA-7,597	Cases and Carriers (Axle Components).
General Mills (Comp) .....	Hillsdale, MI .....	10/02/2002	NAFTA-7,598	Bake Goods.
Waltec Forgings, Inc. (Comp) .....	Port Huron, MI .....	10/07/2002	NAFTA-7,599	Non-Ferrous Forgings.
Autoline Industries, Inc. (Comp) .....	Oakbrook, IL .....	10/07/2002	NAFTA-7,600	Water Pumps, Master Brake Cylinders.
Panavision (Wrks) .....	Woodland Hills, CA .....	09/23/2002	NAFTA-7,601	Motion Pictures, Cameras, Lenses.
Anderson Packaging, Inc. (Comp) .....	Rockford, IL .....	10/07/2002	NAFTA-7,602	Dentifrice in Pastic Dispensing Units.
Midwest Electric Products (Comp) .....	Mankato, MN .....	08/19/2002	NAFTA-7,603	Electrical Equipment.
Nortel Networks (Wrks) .....	Research Triangle Park, NC.	09/23/2002	NAFTA-7,604	Optical Long Haul Backbone Networks.
Consolidated Freight Ways (Wrks) ...	El Paso, YX .....	10/07/2002	NAFTA-7,605	Transports Freight.
MJ Softe (Wrks) .....	Wallace, NC .....	10/09/2002	NAFTA-7,606	T-Shirts.
RBX Industries, Inc. (Comp) .....	Colt, AR .....	10/04/2002	NAFTA-7,607	Closed Cell Foam Rubber.
Arkansas Metal Castings, Inc. (Comp).	Fort Smith, AR .....	10/08/2002	NAFTA-7,608	Gray and Ductile Iron Castings.
General Electric Transportation Systems (Comp).	Warrensburg, MO .....	10/07/2002	NAFTA-7,609	Printed Circuit Boards.
Mountain Fir Chip Co (Wrks) .....	The Dalles, OR .....	10/08/2002	NAFTA-7,610	Wood Chips.
Unison Industries (Comp) .....	Fort Worth, TX .....	10/14/2002	NAFTA-7,611	Electrical Wire Harnesses.
SMTC Manufacturing Corp. (Co.) .....	Austin, TX .....	08/22/2002	NAFTA-7,612	Computer Printed Circuit Assemblies.
Legato Systems, Inc. (Wrks) .....	Orem, UT .....	10/15/2002	NAFTA-7,613	Customer Support Functions.
Interlake Material Handling (Wrks) ...	Pontiac, MI .....	10/09/2002	NAFTA-7,614	Industrial Rack and Beams.
Sermatech-Mal Tool (Wrks) .....	Manchester, CT .....	10/10/2002	NAFTA-7,615	Aircraft Engine Components.
Oneida Limited Silversmiths (Wrks)	Sherrill, NY .....	10/11/2002	NAFTA-7,616	Silverware.
Tecmotiv Corp. (Wrks) .....	Tonawanda, NY .....	10/18/2002	NAFTA-7,617	Tank and Trucks Replacement Parts.
Alcatel USA, Inc. (Wrks) .....	Plano, TX .....	10/18/2002	NAFTA-7,618	Litespan 2000 Access Products.
Empire Blue Cross Blue Shield (Wrks).	Syracuse, NY .....	09/27/2002	NAFTA-7,619	Technical Help Deck—Insurance.
Trailmobile LLC (PACE) .....	Charleston, IL .....	09/23/2002	NAFTA-7,620	Semi-Trailers.
Intertape Polymer Group (Co.) .....	Menasha, WI .....	10/21/2002	NAFTA-7,621	Tape.
Eaton Corp (Wrks) .....	Rochester Hills, MI .....	10/14/2002	NAFTA-7,622	Intake Manifolds.
ATK North America (Wrks) .....	Falmouth, KY .....	10/18/2002	NAFTA-7,623	Automotive Engines.
Pohlman Foundry Co., Inc (IAMAW)	Buffalo, NY .....	10/15/2002	NAFTA-7,624	Poured Iron Castings.
Pollak (Co.) .....	Boston, MA .....	10/22/2002	NAFTA-7,625	Actuators.

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-42,119]

**J-Star AG Division, JSI Industries, Inc., Fort Atkinson, WI; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 16, 2002, in response to a petition filed on behalf of workers at J-Star AG Division, JSI

Industries, Inc, Fort Atkinson, Wisconsin.

The petitioners have requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 12th day of November, 2002.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-37,047]

**Marathon Ashland Pipe Line, LLC, Bridgeport, IL; Notice of Negative Determination of Reconsideration on Remand**

The United States Court of International Trade (USCIT) remanded for further investigation and consideration of the Trade Adjustment Assistance (TAA) petition for *Former Employees of Marathon Ashland Pipe Line LLC v. Elaine Chao, U.S. Secretary of Labor*, No. 00-04-00171.

The Department's initial denial for the workers transporting crude oil and petroleum products at Marathon Ashland Pipe Line, LLC, Bridgeport, Illinois, issued on December 2, 1999, and published in the **Federal Register** on December 28, 1999 (64 FR 72691), was based on the finding that the group eligibility requirements of section 222 of the Trade Act of 1974, as amended, were not met.

The petitioners request for reconsideration resulted in a negative determination regarding the application which was issued on February 11, 2000, and was published in the **Federal Register** on February 22, 2000 (64 FR 8743). The Department's findings affirmed that the workers were providing a service and were not producing an article.

On remand, in order to determine if the worker group supported crude oil production of the parent company, the Department contacted officials of Marathon Ashland Pipe Line LLC, to obtain additional information regarding the transportation of articles produced by the parent company, Marathon Oil Company, Inc. The Department found that in 1997, 1998 and in January through March of 1999, Marathon Ashland Pipe Line Company did not transport via pipeline any articles produced by the parent company, Marathon Oil Company, Inc.

The Department further found that in 1997, the parent company purchased crude oil at the lease (Illinois Basin) that was transported by Marathon Pipe Line Company. In 1998, Marathon Ashland Petroleum LLC was formed and it purchased from the lease crude oil which it transported via the pipe line. In 1999, Marathon Ashland Petroleum LLC did not purchase from the lease.

On July 16, 2002, the court remanded to the Department of Labor, USCIT Case No. 00-04-00171, that they investigate the duties and nature of the work performed by the gaugers of Marathon Ashland Pipe Line, Bridgeport, Illinois and provide a reasoned analysis as to whether such duties qualify as "producing" an article within the provisions of 19 U.S.C., section 2272(a).

After the investigation, the Department of Labor found that Marathon Ashland Pipe Line LLC is a common carrier pipeline company. The company provides a service by transporting crude oil and petroleum products. The subject workers were primarily responsible for activities related to the transportation of crude oil produced in Southern Illinois/Indiana via Marathon Ashland Pipe Line LLC pipelines. The gaugers, a part of the group for Marathon Ashland Pipe Line

LLC, were not engaged in activities related to the production of crude oil. They were responsible for determining the quality and quantity of crude oil bought by the purchasing company from third party leases. The gaugers were responsible for ensuring quality control by collecting representative samples from crude oil tanks and certifying that the crude oil was acceptable for purchase. Once the crude oil quality was certified, the gauger would verify the quantity of the product from the tank and allow delivery into the Marathon Ashland Pipe Line facility either by truck to the pipeline or directly into the pipeline. After the crude oil was placed in the pipeline, it was then delivered to the customer's specified destination or Marathon Ashland Petroleum's refinery in Robinson, Illinois. Thus, based on the functions performed by the gaugers they did not "produce" an article.

The court also ordered that if the workers do not "produce" an article, the Department of Labor shall determine and explain whether a "causal nexus" exists between the gaugers' responsibilities and the production of an "article".

Since the gaugers, who are employed by the pipeline company were merely responsible for certifying the quality and quantity of crude oil being shipped to customers, the gaugers were not engaged in activities related to the exploration or production of crude oil. The gaugers worked from crude oil already in tanks. Their functions were after the stage of the production of crude oil. The gaugers' functions were related to ensuring that crude oil purchasers received the quality and quantity of crude oil they were purchasing. Once the gaugers performed these functions, the crude oil was shipped via truck to the pipeline or directly to the pipeline to the customer or Marathon Ashland Petroleum's refinery located in Robinson, Illinois. The Robinson, Illinois refinery was not under an existing Trade Adjustment Assistance certification during the relevant period.

The court further ordered that the Department of Labor investigate the reasons behind the sale of Marathon Oil's assets and the plaintiffs' claim that a decision by Marathon Oil to import crude oil caused their separation from Marathon Ashland.

Of note, the parent of Marathon Ashland Pipe line, LLC is Marathon Ashland Petroleum LLC which is a joint venture owned by Marathon Oil Corporation (formerly Marathon Oil Company) and Ashland, Inc. Marathon Oil owns 62 percent of Marathon Ashland Petroleum, LLC and Ashland,

Inc. owns 38 percent of Marathon Ashland Petroleum, LLC.

The Department found that the sale of assets in question were not assets sold by Marathon Oil, but rather a sale of Marathon Ashland Petroleum LLC. In 1999 Marathon's Ashland Petroleum's LLC sold Scurlock Permian LLC, a crude oil gathering and transportation business in an area from the Rocky Mountains to the Gulf of Mexico, part of its Illinois Basin assets, to Plains All American Pipeline, L.P. These assets were part of an overall sale of assets by Marathon Ashland Petroleum LLC because they were not of strategic value to the company. Marathon Ashland Pipeline LLC still transports Illinois Basin crude oil (gauged and trucked by various companies from the wellhead to Marathon Ashland Pipeline LLC facilities) to locations determined by the crude oil purchases. The company indicated that the employees at Marathon Ashland Pipe Line LLC, Bridgeport, Illinois were terminated as a result of an asset sale in May 1999, not the decision by Marathon to import crude oil. In any event, since the workers were engaged in a service, they can not be certified under the Trade Act of 1974, as amended, since they were not in direct support of a TAA certified facility during the relevant period.

### Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Marathon Ashland Pipe Line, LLC, Bridgeport, Illinois.

Signed in Washington, DC, this 17th day of October, 2002.

**Edward A. Tomchick**

*Director, 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