

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

[TA-W-59,552]

**Admiral Foundry, Formerly The Admiral Machine Company, Wadsworth, OH; Notice of Negative Determination on Reconsideration**

On August 9, 2006, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Department's Notice of determination was published in the **Federal Register** on August 16, 2006 (71 FR 47249).

The initial investigation revealed that, during the relevant period, the subject firm neither shifted production abroad nor imported cast aluminum tire molds from a foreign country. The investigation also revealed that 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 subject workers' firm. The survey revealed that none of the respondents increased their imports of cast aluminum tire molds during the relevant period.

In the request for reconsideration, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Region 2-B (the Union) stated that the subject firm produced both molds and casts used on the tire industry and inferred that the scope of the initial investigation was too limited because it only addressed cast aluminum tire molds.

During the reconsideration investigation, the Department sought clarification from the subject firm regarding the article(s) produced at the Wadsworth, Ohio facility during the relevant period. The company official stated that the Wadsworth, Ohio facility produced aluminum tread castings (a component part for tire molds) and did not produce complete tire molds.

On reconsideration, the Department also investigated whether the subject workers are eligible to apply for Trade Adjustment Assistance (TAA) as workers of a secondarily-affected firm (supplied component parts for articles produced by a firm with a currently TAA-certified worker group).

For certification on the basis of the workers' firm being a secondary upstream supplier, the subject firm must have customers with a worker group that is currently TAA-certified, and the subject firm must produce a component

part of the product that was the basis for the customers' certification. In addition, either the TAA-certified customer must represent at least twenty percent of the subject firm's business or a loss of business with the TAA-certified customer contributed importantly to the subject workers' separation at the subject firm.

During the reconsideration investigation, the Department determined that none of the subject firm's declining customers are currently certified for TAA based on increased imports of tire molds. Thus the subject firm workers are not eligible under secondary impact.

In order for the Department to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA), the subject worker group must be certified eligible to apply for TAA. Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

**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 28th day of August 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-14730 Filed 9-5-06; 8:45 am]

**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment and Training Administration****Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of August 14 through August 18, 2006.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker

adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either-

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

#### **Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

*TA-W-59,823; Ericsson, Inc., Enterprise Div., Brea, CA: July 28, 2005.*

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to

apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

*None.*

#### **Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA-W-59,739; Michael Feldman, Inc., Long Island City, NY: July 17, 2005.*

*TA-W-59,758; Fulflex of Vermont, Brattleboro, VT: July 19, 2005.*

*TA-W-59,758A; George C. Moore Co., Edenton, NC: July 19, 2005.*

*TA-W-59,338; International Paper, Cantonment, FL: May 5, 2005.*

*TA-W-59,592; Border Apparel Laundry, Ltd., El Paso, TX: June 19, 2005.*

*TA-W-59,742; United Panel, Inc., Mt. Bethel, PA: July 17, 2005.*

*TA-W-59,752; Tarkett Wood, Inc., Brookneal, VA: July 12, 2005.*

*TA-W-59,824; Jim Jam Sportswear, Bethlehem, PA: July 28, 2005.*

*TA-W-59,757; Bravo Romeo, Inc., Emporia, VA: July 12, 2005.*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA-W-59,437; American Specialty Cars, Inc. (ASC), Gibraltar, MI: May 22, 2005.*

*TA-W-59,646; Aircast, New Providence, NJ: June 24, 2005.*

*TA-W-59,646A; Aircast, LLC, Summit, NJ: June 24, 2005.*

*TA-W-59,746; Georgia-Pacific Corporation, Green Bay, WI: August 13, 2006.*

*TA-W-59,798; Kwikset Corporation, Denison, TX: July 26, 2005.*

*TA-W-59,815; Suntron Northeast Operations, Lawrence, MA: July 25, 2005.*

*TA-W-59,832; Rosemount Analytical, Inc., Irvine, CA: August 1, 2005.*

*TA-W-59,838; Sara Lee Intimates, Statesville, NC: August 1, 2005.*

*TA-W-59,848; Cooper Tools, Cullman, AL: August 4, 2005.*

*TA-W-59,868; Global Accessories, Inc., Fremont, OH: August 8, 2005.*

*TA-W-59,915; Hospira, Ashland, OH: August 16, 2005.*

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA-W-59,599; Griffco Quality Solutions, St. Louis, MO: June 19, 2005.*

*TA-W-59,675; Midwest Plastic Components, Inc., St. Louis Park, MN: July 6, 2005.*

*TA-W-59,737; Collins & Aikman, Nashville, TN: July 17, 2005.*

*TA-W-59,777; Clarion Technologies, Inc., Greenville, MI: July 5, 2005.*

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*None.*

#### **Negative Determinations for Alternative Trade Adjustment Assistance**

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department as determined that criterion (1) of Section 246 has not been met. Workers at the firm are 50 years of age or older.

*None.*

The Department as determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

*TA-W-59,823; Ericsson, Inc., Enterprise Div., Brea, CA.*

The Department as determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

*None.*

#### **Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Since the workers of the firm are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

*TA-W-59,704; South Park Pleating, Inc., Oakland, CA.*

TA-W-59,769; *Chapin International, Batavia, NY.*

TA-W-59,799; *J.D. Phillips Corporation, Alpena, MI.*

TA-W-59,860; *Project Service, Inc., Park Falls, WI.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA-W-59,783; *Rodman Industries, Marinette, WI*

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA-W-59,545; *Getronics Wang Co. LLC, Liberty Lake, WA.*

TA-W-59,607; *American Truetzschler Inc., Charlotte, NC.*

TA-W-59,695; *Newell Rubbermaid Home Products, Centerville, IA.*

TA-W-59,759; *Uniwave, Inc., Farmingdale, NY.*

TA-W-59,857; *Culpepper Plastics Corporation, Clinton, AR.*

The investigation revealed that the predominate cause of worker separations is unrelated to criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.C.) (shift in production to a foreign country).

TA-W-59,690; *Thomson Micron, LLC, Ronkonkoma, NY.*

TA-W-59,865; *L.A. Dreyfus Company, Edison, NJ.*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-59,664; *Federated Logistics and Operations, Milwaukee, OR.*

TA-W-59,677; *Ray C. Smith, Beulaville, NC.*

TA-W-59,729; *Sanyo Energy (USA) Corporation, San Diego, CA.*

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA. *None.*

I hereby certify that the aforementioned determinations were issued during the month of August 14 through August 18, 2006. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 28, 2006.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,227]

#### The York Group Metal Casket Assembly Matthews Casket Division, a Subsidiary of Matthews International, Marshfield, MO; Notice of Negative Determination on Reconsideration

On July 12, 2006, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on July 25, 2006 (71 FR 42128).

The Department initially denied Trade Adjustment Assistance to workers of The York Group Metal Casket Assembly, Matthews Casket Division, a subsidiary of Matthews International, Marshfield, Missouri, based on criteria (a)(2)(A)(I.A) and (a)(2)(B)(II.A) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, not being met: A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated. The workers at the subject firm are engaged in employment related to the production of metal caskets.

The petitioner indicated that the Department of Labor did not consider the loss of wages and hours of the worker group in the initial investigation. The petitioner also indicated that the Department should request the Affirmative Action Plan for 2004, 2005, and 2006, thus far, from the company for the subject firm, specifying weekly production numbers and weekly hours. The petitioner believes this Plan will reveal that five percent of the workforce was affected by layoffs and decreased hours.

The Department, upon the request of the petitioner, acquired additional information as it pertains to workers' hours and wages during the relevant period. That data was not requested during the initial investigation. The Department also revisited the subject firm's employment numbers for the relevant period. The additional data obtained from the company revealed

that the subject firm 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.

The petitioner's statement regarding loss of hours and wages does not meet the definition of partial separations, defined as the worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof, and the worker's wages have been reduced to 80 percent or less of the worker's average weekly wage at the firm or appropriate subdivisions thereof, as set forth by the trade regulations.

The company official provided information showing that the average wage rate, not considering average overtime, has increased during the relevant period. Additionally, as it pertains to hours, no workers were placed on a reduced, less than 40 hours per week for more than two consecutive weeks, work schedule during the relevant period. Furthermore, employment as the subject firm still revealed an insignificant percentage of separations, as defined by the criteria (a)(2)(A)(I.A) and (a)(2)(B)(II.A), during the scope of the initial investigation; therefore, the group eligibility requirement was not met. If conditions change, the petitioners may reapply for Trade Adjustment Assistance group eligibility.

### 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 The York Group Metal Casket Assembly, Matthews Casket Division, a subsidiary of Matthews International, Marshfield, Missouri.

Signed at Washington, DC this 28th day of August 2006.

**Elliott S. Kushner,**

*Certifying Officer, 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 and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a)