

eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of the subject firm. The determination was issued on February 4, 2009 and will soon be published in the **Federal Register**.

The initial investigation resulted in a negative determination based on the finding that the worker group engaged in IT sales, consulting and support services, does not produce an article within the meaning of Section 222(a)(2) of the Act.

In the request for reconsideration, the petitioner provided additional information regarding activities of the workers at the subject facility. The petitioners stated that workers of the subject firm produced software which was sold to customers.

The Department has carefully reviewed the request for reconsideration and determined that the Department will conduct further investigation to determine whether the workers of the subject firm were engaged in production of articles and whether they meet the eligibility requirements of the Trade Act of 1974.

#### Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 2nd day of March 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-63,344]

#### **General Motors Corporation, Moraine Assembly Plant, Vehicle Manufacturing Division, Including On-Site Leased Workers From Allied Systems, Ltd and Securitas, Moraine, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a

Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on June 5, 2008, applicable to workers of General Motors Corporation, Moraine Assembly Plant, Vehicle Manufacturing Division, Moraine, Ohio. The notice was published in the **Federal Register** on June 20, 2008 (73 FR 35164). The certification was amended on December 4, 2008 to include on-site leased workers from Allied Systems, Ltd. The notice was published in the **Federal Register** on December 15, 2008 (73 FR 76057-76058).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The workers assemble Buick Rainiers, Chevrolet TrailBlazers, GMC Envoys, Isuzu Ascenders and Saab 9-7Xs.

New information shows that workers leased from Securitas were employed on-site at the Moraine, Ohio location of General Motors Corporation, Moraine Assembly Plant, Vehicle Manufacturing Division. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers from Securitas working on-site at the Moraine Assembly Plant, Vehicle Manufacturing Division, Moraine, Ohio location of the subject firm.

The amended notice applicable to TA-W-63,344 is hereby issued as follows:

All workers of General Motors Corporation, Moraine Assembly Plant, Vehicle Manufacturing Division, including on-site leased workers from Allied Systems, LTD, and Securitas, Moraine, Ohio, who became totally or partially separated from employment on or after June 17, 2008, through June 5, 2010, 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 27th day of February 2008.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-64,393]

#### **Nikko America, Plano, TX; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated January 22, 2009, 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) and Alternative Trade Adjustment Assistance (ATAA). The denial notice was signed on January 6, 2009 and published in the **Federal Register** on February 2, 2009 (74 FR 5871).

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 filed on behalf of workers at Nikko America, Plano, Texas was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974.

The petitioner in the request for reconsideration contends that the Department erred in its interpretation of the work performed by the workers of the subject firm. The petitioner stated that workers of the subject firm "were responsible for final assembly of some products", including "putting batteries in the boxes where the toys were already located and placing decal stickers on the toys, taping them back up and distributing these products". The petitioner further stated that Nikko decreased production of toys in 2008 and decided to import products directly to consumers bypassing the distribution center.

The investigation revealed that workers of Nikko America, Plano, Texas were engaged in warehousing, sales, distribution and service of radio controlled toys during the relevant period. No articles were produced by Nikko America in the United States. The subject firm imported all the products