

on May 17, 2007 (72 FR 27853). The certification was amended on January 12, 2009 to include workers of the Administrative Office working out of Fresh Meadow, New York and Commack, New York. The notice was published in the **Federal Register** on January 12, 2009 (74 FR 4462).

At the request of the subject firm official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in providing technical and administrative support services for the firm's production of polyester and nylon fibers.

New information shows that some of the workers' wages are being reported under a separate unemployment insurance (UI) tax account for Fiber Industries, Inc.

Accordingly, the Department is amending this certification to include workers of the subject firm whose UI wages are reported under the also known as name, Fiber Industries, Inc.

The intent of the Department's certification is to include all workers at Wellman, Incorporated, Administrative Offices, Fort Mill, South Carolina who were secondarily affected as an upstream supplier for a trade certified primary firm.

The amended notice applicable to TA-W-61,347 and TA-W-61,347A is hereby issued as follows:

"All workers of Wellman, Incorporated, Administrative Offices, also known as Fiber Industries, Inc., Fort Mill, South Carolina, (TA-W-61,347), including employees in support of Wellman, Incorporated, Administrative Offices, also known as Fiber Industries, Inc., Fort Mill, South Carolina, located in Fresh Meadow, New York and Commack, New York, New York (TA-W-61,347A), who became totally or partially separated from employment on or after April 11, 2006, through May 4, 2009, 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 14th day of May 2009.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-64,526A]

#### North American Lighting, Inc., Salem, IL Plant, Including On-Site Leased Workers From Westaff, Manpower, and Salem Business Center, Salem, IL; 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 April 21, 2009, applicable to workers of North American Lighting, Inc., Salem, IL Plant, Salem, Illinois including on-site leased workers from Westaff, Manpower, and Select. The notice was published in the **Federal Register** on May 7, 2009 (74 FR 21406).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of exterior automotive lighting—signal lighting.

The company reports that it incorrectly identified Select as one of the three leasing agencies with workers working on-site at the Salem, Illinois location of North American Lighting, Salem IL Plant. Salem Business Center is the third leasing agency, not Select. Accordingly, the Department is amending the certification to remove Select as the leasing agency and replacing it with workers from Salem Business Center working on-site at the Salem, Illinois location of the subject firm.

The amended notice applicable to TA-W-64,526A is hereby issued as follows:

All workers of North American Lighting, Salem, IL Plant, Salem, Illinois, including on-site leased workers from Westaff, Manpower, and Salem Business Center, who became totally or partially separated from employment on or after November 21, 2007 through April 21, 2011, 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 14th day of May 2009.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## 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 May 11, 2009 through June 5, 2009.

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.

TA-W-65,827; *Plasma Automation, Inc., Meadville, PA: April 20, 2008.*

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-65,653; *Munson Machinery Company, Utica, NY: March 11, 2008.*

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-64,828; *Thomasville Furniture Industries, Inc., Conover 5, A Subsidiary of Furniture Brands International, Conover, NC: January 6, 2008.*

TA-W-65,542; *Momentive Performance Materials, Formerly Known As General Electric Newark Quartz, Hebron, OH: April 11, 2008.*

TA-W-65,582; *Collins and Aikman products Company, Corporate Headquarters, Detroit, MI: March 10, 2008.*

TA-W-65,701; *Imperium Grays Harbor, LLC, Hoquiam, WA: March 25, 2008.*

TA-W-65,771; *Weyerhaeuser NR Company, iLevel Division, Simsboro, LA: April 6, 2008.*

TA-W-65,800; *Bernhardt Furniture Company, Corporate Office, Lenoir, NC: March 31, 2008.*

TA-W-65,337; *Waverly Particleboard Company, LLC, Waverly, VA: February 20, 2008.*

TA-W-65,384; *Quality Mold, Inc., Erie, PA: February 24, 2008.*

TA-W-65,643; *Martin Aborn, Inc., Best Employment Agency, Hingham, MA: March 19, 2008.*

TA-W-65,687; *Tawas Tool Company, A Subsidiary of Star Cutter Company, East Tawas, MI: March 26, 2008.*

TA-W-65,262; *U.S. Steel Tubular Products, Inc., Including Paid under Star Tubular Services Div., Lone Star, TX: February 15, 2008.*

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-65,736; *Idex Solutions, Working on-site at Daimler Trucks, Portland, OR: April 1, 2008.*

TA-W-65,819; *Williams International Company, LLC, Ogden, UT: April 13, 2008.*

TA-W-65,296; *ITW IMPRO, Mokena, IL: February 18, 2008.*

TA-W-65,727; *Hirotec America, Inc., Astrum Contract Services, LLC, Auburn Hills, MI: March 31, 2009.*

TA-W-65,812; *Weyerhaeuser Company, Dodson Veneer Technologies, Dodson, LA: April 15, 2008.*

TA-W-65,889; *Cooper Tire and Rubber Company, Findlay, OH: May 5, 2008.*

TA-W-65,904; *Grand Rapids Controls, CTC Charlton Acquisition, On-Site Leased Workers From Manpower, Rockford, MI: April 8, 2008.*

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-65,805; *Weyerhaeuser NR Company, iLevel Division, Pine Hill, AL: April 14, 2008.*

TA-W-65,850; *Mold A Matic Corporation—Mamco, Also Known As Mamco, Oneonta, NY: April 23, 2008.*

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 has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

*TA-W-65,827; Plasma Automation, Inc., Meadville, PA.*

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

*TA-W-65,653; Munson Machinery Company, Utica, NY.*

The Department has 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.

Because the workers of the firm are not eligible 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-65,836; EDS, an HP Company, Application Development Services—Landes Division, Kokomo, IN.*

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.

None.

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-65,138A; Sierra Pine, Martell Division, Martell, CA.*

*TA-W-65,138; Sierra Pine, Rocklin Division, Rocklin, CA.*

*TA-W-65,362; Governors America Corporation, Agawam, MA.*

*TA-W-65,628; St. Marys Tool and Die Company, St. Marys, PA.*

*TA-W-65,700; Weyerhaeuser, Raymond Lumbermill, Raymond, WA.*

*TA-W-65,725; Roseburg Forest Products, Engineered Wood Division, Riddle, OR.*

*TA-W-65,726; Caterpillar, Aurora, IL.*

*TA-W-65,760; Classic Leather, Inc., Hickory, NC.*

*TA-W-65,770A; Westport Shipyard, Inc., Hoquiam, WA.*

*TA-W-65,770B; Westport Shipyard, Inc., Port Angeles, WA.*

*TA-W-65,770C; Westport Shipyard, Inc., La Conner, WA.*

*TA-W-65,770; Westport Shipyard, Inc., Westport, WA.*

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

None.

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 period of May 11, 2009 through June 5, 2009. Copies of these determinations are available for inspection in Room N-5428, 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: June 12, 2009.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-65,467]

#### Kenworth Truck Company, a Subsidiary of Paccar, Inc., Renton, WA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated May 7, 2009, International Association of Machinists and Aerospace Workers, District Lodge,

No. 160 requested administrative reconsideration of the Department's negative determination regarding 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 denial notice was signed on April 14, 2009 and published in the **Federal Register** on April 30, 2009 (74 FR 19996).

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 initial investigation resulted in a negative determination based on the finding that imports of class 8 heavy duty trucks did not contribute importantly to worker separations at the subject facility and there was no shift of production to a foreign country. The subject firm did not import class 8 heavy duty trucks during the relevant period. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining domestic customers. In this case the survey was not conducted because the customers purchased all Class 8 heavy duty trucks exclusively from the subject firm.

The petitioner alleged that subject firm's competitors import heavy trucks and parts of heavy trucks, thus having an advantage over the subject firm in locating potential customers.

The impact of competitors on the domestic firms is revealed in an investigation through customer surveys and aggregate import analysis. In the case at hand, the Department solicited information from the customers of the subject firm to determine if customers purchased imported Class 8 heavy duty trucks. The information was intended to determine if competitor imports contributed importantly to layoffs at the subject firm. The investigation revealed no imports of Class 8 heavy duty trucks during the relevant period. The subject firm did not import class 8 heavy duty trucks nor was there a shift in production of class 8 heavy duty trucks from subject firm abroad during the relevant period. Furthermore, U.S. aggregate imports of Class 8 heavy duty trucks have been declining since 2006.