

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met for the workers engaged in production of one- and two-cylinder reciprocating compressors.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

### Conclusion

After careful review of the facts obtained in the investigation, I determine that there was a shift in production of one- and two-cylinder reciprocating compressors and crankshafts from the workers' firm or subdivision to Mexico. In accordance with the provisions of the Act, I make the following certification:

"Workers of Trane US, Inc., Residential Systems Division, including on-site leased workers from Remedy Intelligent Staffing, Tyler, Texas, engaged in production of one- and two-cylinder reciprocating compressors and crankshafts, who became totally or partially separated from employment on or after December 10, 2007, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

I also determine that workers of Trane US, Inc., Residential Systems Division, Tyler, Texas, excluding workers engaged in production of one- and two-cylinder reciprocating compressors and crankshafts, are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974 and alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC this 18th day of June 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-65,139]

#### **Weather Shield Manufacturing, Inc., Custom Products Division, Medford, WI; Notice of Negative Determination Regarding Application for Reconsideration**

By application postmarked May 15, 2009, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on April 30, 2009 and published in the **Federal Register** on May 18, 2009 (74 FR 23214).

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 which was based on the finding that imports of windows and doors did not contribute importantly to worker separations at the subject plant and there was no shift of production to a foreign country in the relevant period. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining domestic customers. The Department conducted a survey of the subject firm's major declining customers regarding their purchases of windows and doors in 2007, 2008 and January through February 2009. The survey revealed no imports during the relevant period. The subject firm did not import windows and doors into the United States during the relevant period.

In the request for reconsideration, the petitioner stated that in order to reveal the import impact, the Department should change the relevant period and include events occurring in 2006.

When assessing eligibility for TAA, the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). Therefore, events occurring in

2006 are outside of this period and are not relevant in this investigation.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

### 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 in Washington, DC, this 12th day of June, 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration [TA-W-64,665; TA-W-64,665A]

#### **Alcoa Howmet Castings, a Subsidiary of Alcoa, Incorporated, Thermatech Coatings and Titanium Ingot Division, Plant #4; Whitehall, MI; Alcoa Howmet Castings, a Subsidiary of Alcoa, Incorporated, Plant #5, Whitehall, MI; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated May 11, 2009, the United Automobile, Aerospace and Agricultural Implement Workers of America, Local 1243 (UAW) requested administrative reconsideration of the Department's Negative Determination regarding eligibility for workers and former workers of Alcoa Howmet Castings, a subsidiary of Alcoa, Inc., Thermatech Coatings and Titanium Ingot Division, Plant #4, Whitehall, Michigan, and Alcoa Howmet Castings, a subsidiary of Alcoa, Inc., Plant #5, Whitehall, Michigan, to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). Workers at Plant #4 produce environmental coatings and titanium ingots, and are separately identifiable by product; workers at Plant

#5 produce titanium castings, pattern wax, casting crucibles, and HIP (hot isostatic pressing), and are not separately identifiable by product.

The Department's determination was issued on April 24, 2009. The Department's Notice of Negative determination was published in the **Federal Register** on May 7, 2009 (74 FR 21407).

The determination stated that, with regards to Plant #4, criterion (a)(2)(A)(I.B.) was not met because sales and production of environmental coatings increased during the relevant period; criterion (a)(2)(B) was not met because the subject firm's production of environmental coatings did not shift to a foreign country during the relevant period; criterion (a)(2)(A)(I.C.) was not met because increased imports of titanium ingot did not contribute importantly to the workers' separations and subject firm sales and/or production declines of titanium ingot; and criterion (a)(2)(B) was not met because the subject firm's production of titanium ingot did not shift to a foreign country during the relevant period.

The determination stated that, with regards to Plant #5, criterion (a)(2)(A)(I.C.) was not met because increased imports of titanium castings, pattern wax, casting crucibles, or HIP processing did not contribute importantly to the workers' separations and subject firm sales and/or production declines of titanium castings, pattern wax, casting crucibles, or HIP processing and criterion (a)(2)(B) was not met because the subject firms' production of titanium castings, pattern wax, casting crucibles, or HIP processing did not shift to a foreign country during the relevant period.

In the request for reconsideration, the UAW representative stated that "sales will continue to decline \* \* \* which supports (a)(2)(A)(I.B.) \* \* \*"

The UAW representative's allegation that (a)(2)(A)(I.B.) was met (sales and/or production declined during the relevant period) is relevant to Plant #4 but is not relevant to Plant #5 because the Department determined that there were sales and/or production declines at Plant #5 during the relevant period. Therefore, the Department's review of the request for reconsideration is limited to sales and production of environmental coatings at Plant #4.

Pursuant to 29 CFR 90.18(c), administrative 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 mis-interpretation of facts or of the law justified reconsideration of the decision.

After careful review of the request for reconsideration and previously submitted materials, the Department determines that there is no new information that supports a finding that Section 222 of the Trade Act of 1974 was satisfied and that no mistake or misinterpretation of the facts or of the law with regards to the number or proportion of workers separated from the subject firm during the relevant period.

#### 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 12th day of June 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### American Recovery and Reinvestment Act (ARRA); Notice of Availability of Funds and Solicitation for Grant Applications for State Energy Sector Partnership (SESP) and Training Grants

*Announcement Type:* Notice of Solicitation for Grant Applications.

*Funding Opportunity Number:* SGA/ DFA PY-08-20.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 17.275.

**DATES:** The closing date for receipt of applications under this announcement is October 20, 2009. Applications must be received at the address below no later than 4 p.m. (Eastern Time). A pre-recorded Webinar will be available online at: <http://www.workforce3one.org> and accessible for viewing by 3 p.m. ET on July 10, 2009, and will be available for viewing any time after that date as well. While a review of this webinar is encouraged, it is not mandatory.

**ADDRESSES:** Mailed applications must be addressed to the U.S. Department of Labor, Employment & Training Administration, Division of Federal Assistance, Attention: B. Jai Johnson, Grant Officer, Reference SGA/DFA PY-08-20, 200 Constitution Avenue, NW., Room N4716, Washington, DC 20210. For complete "Application and Submission Information," please refer to section IV.

**SUMMARY:** Under the American Recovery and Reinvestment Act of 2009 (the Recovery Act), the U.S. Department of Labor (DOL or the Department) Employment and Training Administration (ETA) announces the availability of approximately \$190 million in grant funds to State Workforce Investment Boards of the 50 States, the District of Columbia, and the U.S. territories as defined in section VI.B.2.iv. In order to highlight the important role States play in building a national green economy, the Department is investing in workforce sector strategies that target energy efficiency and renewable energy industries described in section 171(e)(1)(B) of the Workforce Investment Act of 1998 (WIA) and other green industries. DOL encourages a strategic planning process that aligns the Governor's overall workforce vision, State energy policies, and local and regional training activities that lead to employment in targeted industry sectors. This strategic planning process is an opportunity to develop a statewide energy sector strategy through a comprehensive partnership and development of a Sector Plan. If an energy sector strategy is currently in place, that strategy should be reviewed and evaluated to address the requirements of this funding opportunity. As a result of this Solicitation for Grant Application (SGA), the Department is fostering the development of a national workforce that is ready to meet the demands of the energy efficiency and renewable energy industries and other industries identified in Supplementary Information, section B of this SGA.

A portion of the funds under this SGA will be reserved for communities or regions undergoing auto industry related restructurings. The eligible applicants for this SGA are State Workforce Investment Boards in partnership with their State Workforce Agency, local Workforce Investment Boards or regional consortia of Boards, and One Stop Career Center delivery systems. ETA intends to fund grants ranging from approximately \$2 to \$6 million.

**SUPPLEMENTARY INFORMATION:**