

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009, commonly known as the economic stimulus package. The new provision of the Trade Act went into effect on May 18, 2009 and applies to petitions filed on or after that date. The petition at hand was filed on March 30, 2009, and therefore, cannot be considered under the new provision.

The workers are encouraged to file a new petition, if the workers wish to be considered under the New TAA Program.

#### 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 22nd 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-65,433]

#### American Racing Equipment, LLC, Denver, CO; Notice of Negative Determination on Reconsideration

On May 11, 2009, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on June 16, 2009 (74 FR 28552).

The initial investigation resulted in a negative determination based on the finding that imports of two-piece automotive wheels did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred.

In the request for reconsideration, the petitioner alleged that the workers of the subject firm also supported production of cast, one piece wheels. The petitioner alleged that the subject firm shifted production of the cast, one piece wheels abroad and that there was an increase in imports of the cast, one piece wheels.

The Department of Labor contacted a company official to verify this information. The company official

stated that the workers of the subject firm distributed the cast, one piece wheels which were mostly manufactured in China. The company official also stated that the subject firm ceased production of the cast, one piece wheels long before 2008 and that no cast, one piece wheels were manufactured by American Racing Equipment, LLC during the relevant period.

When assessing eligibility for Trade Adjustment Assistance, the Department exclusively considers production, shifts in production and import impact during the relevant time period (one year prior to the date of the petition). Therefore, events occurring prior to February 26, 2008, are outside of the relevant period and are not relevant in this investigation. The investigation revealed that workers of the subject firm did not manufacture the cast, one piece wheels and did not support production of the cast, one piece wheels at any affiliated domestic facility during the relevant period.

To support the allegation of a shift in production to China the petitioner attached an e-mail correspondence from an American Racing Equipment, LLC employee dated March 13, 2008.

Upon further analysis it was revealed that the document contains a review of the subject firm's sales for the month of February 2008. The letter also refers to the negative impact of bad winter conditions in China to the Chinese production which was the reason of reduced sales at the subject firm in February 2008.

The investigation revealed that the above mentioned document does not contain any information which supports the petitioner allegation regarding production of the cast, one piece wheels by workers of the subject firm or a shift in production of the cast, one piece wheels during the relevant period.

The petitioner also attached a letter dated June 29, 2007 signed by a company official.

Documents referring to the events which took place in 2007 are outside of the relevant time period and cannot be considered in this investigation.

The petitioner also attached a spreadsheet named "Salesperson Pace Report—Daily Needs". The Department reviewed the document and determined that it does not contain any additional valid information as it relates to this determination.

#### 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 American Racing Equipment, LLC, Denver, Colorado.

Signed at Washington, DC, this 26th day of June 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0306]

### Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 18, 2009, to July 1, 2009. The last biweekly notice was published on June 30, 2009 (74 FR 31318).

#### Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this