

APPENDIX—Continued

[TAA petitions instituted between 4/12/10 and 4/16/10]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73929	Chrysler (Union)	Fenton, MO	04/15/10	04/13/10
73930	Dee Van Enterprise USA, Inc. (Workers)	Fremont, CA	04/15/10	04/05/10
73931	Toyota Tsusho America, Inc. (Company)	Bedford Park, IL	04/16/10	03/23/10
73932	Amdocs BCS, Inc. (Workers)	El Dorado Hills, CA	04/16/10	04/08/10
73933	Exide Technologies (Union)	Reading, PA	04/16/10	04/14/10
73934	Pass and Seymour (Company)	Concord, NC	04/16/10	04/13/10
73935	Pratt-Read Corporation (Company)	Shelton, CT	04/16/10	04/15/10
73936	ATI-Wah Chang (Company)	Albany, OR	04/16/10	04/14/10
73937	Apria Healthcare (Workers)	Duluth, GA	04/16/10	04/14/10
73938	Management Resources Group, Inc. (State/One-Stop)	Southbury, CT	04/16/10	04/15/10
73939	C 3I, Inc. (Workers)	Wilkes Barre, PA	04/16/10	04/13/10
73940	Oasis International (State/One-Stop)	Columbia, OH	04/16/10	03/18/10
73941	Applied Materials, Inc. (Workers)	Salt Lake City, UT	04/16/10	04/12/10
73942	Total Lubricants USA, Inc. (Workers)	Linden, NJ	04/16/10	04/09/10
73943	Core 3, Inc. (Workers)	Mesa, AZ	04/16/10	04/14/10
73944	Pentair Filtration (Company)	Sheboygan, WI	04/16/10	04/15/10
73945	Carlen Transport, Inc. (Workers)	Hampden, ME	04/16/10	04/07/10
73946	Esterline Technologies (Union)	Taunton, MA	04/16/10	04/15/10
73947	Hewlett-Packard (State/One-Stop)	Palo Alto, CA	04/16/10	04/14/10
73948	Central Oregon Workensport (State/One-Stop)	Bend, OR	04/16/10	04/13/10
73949	Anthem Blue Cross and Blue Shield (Workers)	Cape Girardeau, MO	04/16/10	04/13/10
73950	Auto Builders, Inc. (Workers)	Ladson, SC	04/16/10	04/14/10
73951	Ethicon (Union)	San Angelo, TX	04/16/10	04/13/10

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (“the Act”) and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 24, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 24, 2010.

Copies of these petitions may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail, to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or to [foiarequest@dol.gov](mailto:foiarequest@dol.gov).

Signed at Washington, DC, this 30th day of April 2010.

**Richard Church,**  
Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 4/19/10 and 4/23/10]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73952	Philips Lightolier (formerly Genlyte Group) (Company)	Fall River, MA	04/19/10	04/13/10
73953	Freescale Semiconductors (State/One-Stop)	Austin, TX	04/19/10	04/16/10
73954	Honeywell Process Solutions (HPS) (Company)	Phoenix, AZ	04/19/10	04/15/10
73955	Cole Ford Mercury of Winchester, Inc. (Company)	Winchester, KY	04/19/10	04/15/10
73956	Siemens IT Solutions and Services (SIS) (Workers)	Mason, OH	04/19/10	04/17/09
73957	Cessna Aircraft (Company)	Columbus, GA	04/19/10	04/15/10
73958	Hospira Inc. (Company)	Pleasant Prairie, WI	04/19/10	04/16/10
73959	RJR Transportation, Inc. (Company)	Lathrop, CA	04/19/10	03/22/10
73960	668 Fashion, Inc. (Workers)	New York, NY	04/19/10	04/16/10
73961	Speidel (Workers)	Cranston, RI	04/20/10	04/13/10
73962	Ford Motor Company (Workers)	Franklin, TN	04/20/10	04/12/10
73963	Sequence Technologies (State/One-Stop)	Reno, NV	04/20/10	04/16/10
73964	Prestolite Wire Corporation (State/One-Stop)	Paragould, AR	04/20/10	04/14/10

## APPENDIX—Continued

[TAA petitions instituted between 4/19/10 and 4/23/10]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73965	Angell Demmel North America (Workers)	Dayton, OH	04/21/10	04/09/10
73966	Nortel Networks (Workers)	Research Triangle Park, NC	04/21/10	04/19/10
73967	Hewlett Packard (Workers)	Boise, ID	04/21/10	04/16/10
73968	Hospira, Inc. (Workers)	Lake Forest, IL	04/21/10	04/19/10
73969	Cummins, Inc. (Company)	El Paso, TX	04/21/10	04/19/10
73970	CareFusion (Company)	San Diego, CA	04/21/10	04/16/10
73971	Liz Palacios Design Ltd (Workers)	San Francisco, CA	04/22/10	04/09/10
73972	St. Barnabas Healthcare System (Workers)	Ocean Port, NJ	04/22/10	04/05/10
73973	Scientific Games International (Workers)	South Barre, VT	04/22/10	04/08/10
73974	Scientific Games International (Workers)	Concord, NH	04/22/10	04/08/10
73975	Care Fusion (Workers)	Middleton, WI	04/22/10	04/06/10
73976	Worthington Specialty Processing (Company)	Canton, MI	04/22/10	04/18/10
73977	The Flint Journal (State/One-Stop)	Flint, MI	04/22/10	04/19/10
73978	Eastman Kodak (State/One-Stop)	Vancouver, WA	04/22/10	04/20/10
73979	Hagemeyer North America (Company)	Chambersburg, PA	04/22/10	04/21/10
73980	New Era Cap Company (Company)	Buffalo, NY	04/22/10	04/19/10
73981	New Era Cap Company (State/One-Stop)	Demopolis, AL	04/23/10	04/19/10
73982	Smith's Medical PM, Inc. (Workers)	Waukesha, WI	04/23/10	04/02/10
73983	Apria Healthcare (State/One-Stop)	Redmond, WA	04/23/10	04/19/10
73984	Graphic Arts Center Publishing (Company)	Portland, OR	04/23/10	04/21/10
73985	Graphic Arts Center (Company)	Santa Barbara, CA	04/23/10	04/21/10
73986	AT&T (State/One-Stop)	Bothell, WA	04/23/10	04/19/10
73987	Ford Motor Credit (Company)	Colorado Springs, CO	04/23/10	04/22/10

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

[TA-W-70,501]

**Cummins Power Generation, Including On-Site Leased Workers of Adecco USA, Inc., Aerotek, Inc., the Bartech Group, Back Diamonds Networks, Entegee, Inc., DBA Midstates Technical, Manpower, Inc., Robert Half International, Summit Technical Services, Inc., and Universal Engineering Services, Inc. Fridley, MN; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated March 22, 2010, a representative of the State of Minnesota 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 February 4, 2010, and published in the **Federal Register** on March 12, 2010 (75 FR 11925).

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 negative determination of the TAA petition filed on behalf of workers at Cummins Power Generation, Fridley, Minnesota, was based on the finding that the subject firm did not import articles like or directly competitive with the generators and transfer switches produced at the subject firm during 2007, 2008 or during January through May 2009, nor did it shift production of those articles abroad during the same period. The investigation also revealed that, during the relevant period, none of the major declining customers of the subject firm increased imports of articles like or directly competitive with generators and transfer switches produced at the subject firm while decreasing purchases from the subject firm. The investigation also revealed that the workers did not supply a component part that was used by a firm that employed a worker group currently eligible to apply for TAA.

The request for reconsideration included documents intended to "illustrate how a former employee [of the subject firm] \* \* \* was adversely affected by trade activities and lost her position." The "trade activities" referred

to are the subject firm's use of H1B visas.

This argument errs in confusing the entry of foreign workers into the United States to produce articles at the subject firm with the importation of articles that are like or directly competitive with the articles produced by the subject firm. It is the importation of like or directly competitive articles (and not the entry of foreign workers to produce such articles) that can serve as the basis for a TAA certification.

The petitioner did not supply facts not previously considered or 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.