

Section 222(d) of the Act, 19 U.S.C. 2272(d), defines the term “Downstream Producer” as “a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a) [of Section 222 of the Act]” and defines the term “value-added production processes or services” to “include final assembly, finishing, testing, packaging, or maintenance or transportation services.”

During the reconsideration investigation, the Department received information that confirmed that the subject facilities are not a “supplier” or a “downstream producer” within the meaning of the Trade Act of 1974, as amended.

The subject facilities do not produce and directly supply component parts (or services) to a firm that both employed a worker group eligible to apply for TAA and directly used the component parts (or services) in the production of the article or in the supply of the service that was the basis for the TAA certification, and do not perform downstream producer services for a firm that both employed a worker group eligible to apply for TAA and directly used the service in the production of the article or in the supply of the service that was the basis for the TAA certification.

Rather, the subject facilities separate, consolidate and package finished parts that are produced by others, and ship the packages to Chrysler points of contacts, who then forward the packages to car dealerships who ordered the parts on behalf of the dealership’s customers.

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 Chrysler LLC, Mopar Parts Distribution Center in Center Line, Michigan (TA-W-70,949); Naperville, Illinois (TA-W-70,949A); New Boston, Michigan (TA-W-70,949B); Beaverton, Oregon (TA-W-70,949C0); Carrollton, Texas (TA-W-70,949D); Fontana, California (TA-W-70,949E); Lathrop, California (TA-W-70,949F); Denver, Colorado (TA-W-70,949G); Ontario, California (TA-W-70,949H); Hazelwood, Missouri (TA-W-70,949I); Morrow, Georgia (TA-W-70,949J); Memphis, Tennessee (TA-W-70,949K); Tappan, New York (TA-W-70,949L); Mansfield, Massachusetts (TA-W-70,949M); Plymouth, Minnesota (TA-W-70,949N); Streetsboro, Ohio (TA-W-70,949O); Orlando, Florida

(TA-W-70,949P); Milwaukee, Wisconsin (TA-W-70,949Q); Warren, Michigan (TA-W-70,949R); and Marysville, Michigan (TA-W-70,949S).

Signed in Washington, DC, on this 2nd day of May, 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-73,479A]

Enesco, LLC, Itasca, IL; Notice of Negative Determination on Reconsideration

On October 18, 2010, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Enesco, LLC, Gund Division, Distribution Center, Edison, New Jersey (Enesco-Edison). The Department’s Notice was published in the **Federal Register** on October 29, 2010 (75 FR 66795). The workers supplied packaging and distribution services related to giftware.

The initial investigation was initiated in response to a petition filed on February 17, 2010 by a State of Illinois Workforce Office on behalf of workers of Enesco, LLC, Itasca, Illinois. The petition alleges that “Enesco LLC production of giftware products is currently in China; the company has transferred Quality/Regulatory Compliance Department overseas as well in order to keep production and quality assurance testing in one location.”

Because the petitioner did not provide additional information regarding the worker group, the Department relied on publicly-available materials and the company official identified on the petition for information.

Although the company’s headquarters are in Itasca, Illinois, the company official provided information that revealed that the separated workers worked in the distribution center that was part of the Gund Division in Edison, New Jersey (TA-W-73,479). Based on this information, the Department determined that the subject worker group was not Enesco LLC, Itasca, Illinois but Enesco-Edison.

In the request for reconsideration, the State Workforce Office stated that a worker who was in the “Regulatory Compliance/Quality Assurance

Department of Enesco, LLC, located in Itasca, Illinois” had “spent over 6 hours on the conference call with China, training someone to perform her duties.” The State Workforce Office further alleges that “all of the Regulatory Compliance/Quality Assurance Department of Enesco LLC was transferred to Hong Kong.” In support of the allegations, the State Workforce Office provided a document titled “Letter to supplier regarding QA & QC” that states “We have expanded our team both in China as well as in our Hong Kong office” (dated March 6, 2009).

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 negative determination was based on the findings that Enesco-Edison did not shift to/acquire from a foreign country the supply of services like or directly competitive with the services supplied by the workers; that the workers’ separation, or threat of separation, was not related to an increase in imports of like or directly competitive services; and that the workers are not adversely affected secondary workers.

During the reconsideration investigation, the Department contacted Enesco, LLC and obtained information regarding Enesco, LLC, Itasca, Illinois (Enesco-Itasca) and the worker on whose behalf the petition and request for reconsideration were filed.

New information provided by the subject firm revealed that there is no Regulatory Compliance/Quality Assurance Department; that workers at Enesco-Itasca are separately identifiable by division and separately identifiable within each division by service supplied; and that the worker on whose behalf the petition and the request for reconsideration were filed worked in the logistics division of Enesco-Itasca and supplied quality control services related to the production of toys. Further, Enesco-Itasca does not produce toys; rather, Enesco-Itasca supplies services related to the sales, marketing and development of toys.

Additional information obtained during the reconsideration investigation revealed that the group eligibility

requirements under Section 222(a) and (c) of the Act, 19 U.S.C. 2272(a) and (c), have not been met. 29 CFR 90.2 states that a significant number or proportion of the workers means at least three workers in a firm (or appropriate subdivision thereof) with a workforce of fewer than 50 workers, or five percent of the workers or 50 workers, whichever is less, in a workforce of 50 or more workers.

Although the Department was able to confirm separations at the Itasca, Illinois facility, the number or proportion of workers totally or partially separated, or threatened with such separation, at Enesco, LLC, Itasca, Illinois, does not meet the regulatory definition.

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 Enesco, LLC, Itasca, Illinois (TA-W-73,479A).

Signed in Washington, DC, on this 2nd day of May, 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-72,971]

ASC Machine Tools, Inc., Spokane Valley, WA; Notice of Negative Determination on Reconsideration

On October 7, 2010, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of ASC Machine Tools, Inc., Spokane Valley, Washington (the subject firm). The Department's Notice was published in the **Federal Register** on October 25, 2010 (75 FR 65516). The workers produce custom-order metal cutting machinery used to form and cut metal, including assembled equipment, component parts of equipment, and spare parts. Workers are not separately identifiable by article produced.

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 the subject firm sales decline was due to loss of export sales of foreign customers' bids to competitors outside the United States. The initial investigation also revealed decreased aggregate imports of metal cutting equipment during the relevant period, and that the subject firm is not a supplier or downstream producer for any firm that employed a worker group eligible to apply for Trade Adjustment Assistance (TAA).

The International Association of Machinists and Aerospace Workers, District Lodge 751, in the request for reconsideration, alleges increased imports from Sen Fung Rollform Machinery Corporation in Taiwan and Metform International in Canada. The request for reconsideration also articulates the concern that "the affected workers are being penalized due to the inconsistent customer base of the company" and requests that aggregate import data during 2007 and 2008 be considered.

During the reconsideration investigation, the Department received information that confirmed that Sen Fung Rollform Machinery Corporation in Taiwan and Metform International in Canada are competitors of the subject firm and not customers, as inferred in the request for reconsideration. As such, the Department did not conduct a bid survey in regard to the aforementioned companies.

In regard to the request that aggregate import data be considered for 2007 and 2008, the Department can not consider data for this period because it is outside of the relevant period under investigation.

29 CFR 90.2 states that increased imports means that imports have increased either absolutely or relative to domestic production compared to a representative base period. The representative base period shall be one year consisting of the four quarters immediately preceding the date which is twelve months prior to the date of the petition.

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 ASC

Machine Tools, Inc., Spokane Valley, Washington.

Signed in Washington, DC, on this 2nd day of May, 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-74,549]

Algonac Cast Products, Inc., Algonac, MI; Notice of Revised Determination on Reconsideration

On November 10, 2010, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Algonac Cast Products, Inc., Algonac, Michigan (subject firm) to apply for Trade Adjustment Assistance (TAA). The Department's Notice was published in the **Federal Register** on November 23, 2010 (75 FR 7145). Workers are engaged in employment related to the production of marine hardware and are not separately identifiable by article produced.

During the reconsideration investigation, the Department received additional and new information from the subject firm, conducted an expanded customer survey, and analyzed import data of like or directly competitive articles.

Section 222(a)(1) has been met because a significant number or proportion of workers at the subject firm became totally or partially separated, or threatened with such separation.

Section 222(a)(2)(A)(i) has been met because subject firm sales and production decreased during 2009 from 2008 levels.

Section 222(a)(2)(A)(ii) has been met because there were increased imports of articles like or directly competitive with marine hardware produced by the subject firm.

Finally, Section 222(a)(2)(A)(iii) has been met because the increased imports contributed importantly to the worker group separations and sales/production declines at Algonac Cast Products, Inc., Algonac, Michigan.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers and former workers of Algonac Cast Products, Inc.,