

determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers at CompONE Services, LTD, Ithaca, New York (CompONE Services). The negative determination was issued on August 3, 2011. The Department's Notice of Determination was published in the **Federal Register** on August 18, 2011 (76 FR 51435). The workers of CompONE Services are engaged in activities related to the supply of medical billing and coding services.

The petition was filed on behalf of "medical billers" workers at CompONE Services, LTD, Ithaca, New York. The petition states that the service supplied by CompONE Services is being shifted to an affiliated facility in Vietnam.

The negative determination was based on the Department's findings that CompONE Services does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Act. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a "firm" or appropriate subdivision that produces an article.

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 misinterpretation of facts or of the law justified reconsideration of the decision.

The request for reconsideration asserts that "an error has been made interpreting whether the facts of our case fit the criteria required by the statute."

After the Trade Act of 2009 expired in February 2011, petitions for TAA were instituted under the Trade Adjustment Assistance Reform Act of 2002 (Trade Act of 2002). The petition for CompONE Services was instituted on May 5, 2011. Therefore, the statute applicable to TA-W-80,152 is the Trade Act of 2002.

Section 222 of the Trade Act of 2002 establishes the worker group eligibility requirements. The requirements include either "imports of articles like or directly competitive with articles produced by such firm or subdivision have increased" or "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." The statute does not provide as a basis for certification a shift in the supply of services to a foreign country.

After careful review of the request for reconsideration, previously submitted materials, the applicable statute, and relevant regulation, the Department determines that there is no new information, mistake in fact, or misinterpretation of the facts or of the law.

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 16th day of September 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-80,001]

Mercer (US), Inc., a Subsidiary of Mercer LLC, a Subsidiary of Mercer, Inc., a Subsidiary of Marsh & McLennan Companies, Inc., National Accounting Center Department, Chicago, IL; Notice of Negative Determination Regarding Application for Reconsideration

By application received July 22, 2011, a worker requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers Mercer (US), Inc., a subsidiary of Mercer LLC, a subsidiary of Mercer, Inc., a subsidiary of Marsh & McLennan Companies, Inc., National Accounting Center Department (NAC), Chicago, Illinois (Mercer (US), Inc., National Accounting Center Department). The negative determination was issued on June 3, 2011. The Department's Notice of Determination was published in the **Federal Register** on June 17, 2011 (76 FR 35476). The workers of Mercer (US) Inc., National Accounting Center Department are engaged in activities

related to the supply of commission and cash receipt processing services.

The petition was filed on behalf of "national accounting center" workers at Mercer (US), Inc., Chicago, Illinois. The petition states that Mercer (US), Inc. "shifted production to India."

The negative determination was based on the Department's findings that Mercer (US), Inc. does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Act. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a "firm" or appropriate subdivision that produces an article.

In the request for reconsideration, the petitioner asserts that subject worker group separations were due to a shift to India and stated that other similar firms have employed worker groups eligible to apply for TAA.

The determinations referenced in the request for reconsideration are March USA, Inc., NA Controllershship Division, Chicago, Illinois, and HSBC Bank USA, Trade and Supply Chain Department, Brooklyn, New York (TA-W-71,889 issued on October 28, 2009; and TA-W-73,191 issued on May 17, 2011 respectively).

Workers covered by TA-W-71,889 and TA-W-73,191 were eligible to apply for worker adjustment assistance because the worker group eligibility requirements of the Trade and Globalization Adjustment Assistance Act of 2009 (Trade Act of 2009) was satisfied.

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 the Trade Act of 2009 expired in February 2011, petitions for TAA were instituted under the Trade Adjustment Assistance Reform Act of 2002 (Trade Act of 2002). Therefore, the statute applicable to TA-W-80,001 is the Trade Act of 2002. The applicable regulation is codified in 29 CFR Part 90, Subpart B.

Section 222 of the Trade Act of 2002 establishes the worker group eligibility

requirements. The requirements include either “imports of articles like or directly competitive with articles produced by such firm or subdivision have increased” or “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.”

The request for reconsideration asserts that “the situation/ circumstances/duties under petition #80001 are similar in some instances and exactly the same in others” to those of TA-W-71,889 and TA-W-73,191.

The certifications for TA-W-71,889 and TA-W-73,191 were issued based on the Department’s findings that the workers’ firm supplied a service and that the supply of services was shifted/ acquired from a foreign country. The shift/acquisition of services that was the basis for certification under the Trade Act of 2009 cannot be the basis for certification under the Trade Act of 2002 because the two statutes have different worker group eligibility criteria.

After careful review of the request for reconsideration, previously submitted materials, the applicable statute, and relevant regulation, the Department determines that there is no new information, mistake in fact, or misinterpretation of the facts or of the law.

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 28th day of September 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011-25719 Filed 10-4-11; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-75,043]

SpectraWatt, Inc. Including On-Site Leased Workers From Kelly Services Hopewell Junction, NY; Notice of Revised Determination on Reconsideration

On June 6, 2011, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration applicable to workers and former workers of SpectraWatt, Inc., Hopewell Junction, New York (subject firm). Workers at the subject firm were engaged in employment related to the production of solar cells for their application in solar panels. The worker group includes on-site leased workers from Kelly Services.

During the reconsideration investigation, the Department carefully reviewed previously submitted material and analyzed aggregate industry data and industry trends, including U.S. aggregate imports of like or directly competitive articles and finished articles containing components like or directly competitive to those produced by the subject firm.

The analysis revealed that, during the period of investigation, imports of articles like or directly competitive with solar cells produced by the subject firm have increased, and that the increased imports of solar cells (or like or directly competitive articles) contributed importantly to the worker group separations and sales/production declines at the subject firm.

The analysis also revealed that, over the relevant time period, solar modules installed in the U.S. included a lower percentage of U.S. produced solar cells and that the decline contributed importantly to the worker group separations and sales/production declines at the subject firm.

Conclusion

After careful review of the additional facts obtained during the reconsideration investigation, I determine that workers of SpectraWatt, Inc., Hopewell Junction, New York, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. § 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of SpectraWatt, Inc., including on-site leased workers from Kelly Services, Hopewell Junction, New York, who became totally or partially separated from employment on or after December 22, 2009,

through two years from the date of this revised certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 28th day of September 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011-25718 Filed 10-4-11; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-73,441; TA-W-73,441A; TA-W-73,441B; TA-W-73,441C; TA-W-73,441D; TA-W-73,441E; TA-W-73,441F; TA-W-73,441G]

Notice of Revised Determination on Reconsideration

TA-W-73,441

Quad Graphics, Inc., Including Leased Workers From Staff Management, Inc., Sussex, WI

TA-W-73,441A

Quad Tech, Inc., Including Leased Workers From Firstech, Eagle Technology Group, Inc., and RCM Technologies, Sussex, WI

TA-W-73,441B

Quad Graphics, Inc., Including Leased Workers From Staff Management, Inc., West Allis, WI

TA-W-73,441C

Quad Graphics, Inc., Including Leased Workers From Staff Management, Inc., Pewaukee, WI

TA-W-73,441D

Quad Graphics, Inc., Including Leased Workers From Staff Management, Inc., Lomira, WI

TA-W-73,441E

Quad Graphics, Inc., Including Leased Workers From Staff Management, Inc., Hartford, WI

TA-W-73,441F

World Color Mt. Morris II, LLC, a Subsidiary of Quad Graphics, Inc., Mt. Morris, IL

TA-W-73,441G

Quad Graphics, Inc., Including Leased Workers From SPS Temporaries, Depew, NY

On February 17, 2011, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Quad Tech, Inc. (subject firm), Sussex, Wisconsin (TA-W-73,441A) to apply for Trade Adjustment Assistance (TAA). The Department’s Notice was published in the **Federal Register** on March 15, 2011 (76 FR 14099).