

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-85,355]

**Chevron Mining, Inc., a Subsidiary of
Chevron Corporation Including On-Site
Leased Workers From STU Blattner,
Inc. (SBI), Questa, New Mexico; Notice
of Negative Determination Regarding
Application for Reconsideration**

By application dated August 11, 2014, the State of New Mexico requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance, applicable to workers and former workers of Chevron Mining, Inc., Questa, New Mexico (Questa Mine). The determination was issued on July 30, 2014. The Department's Notice of determination was published in the **Federal Register** on August 18, 2014 (79 FR 48775).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the Trade Adjustment Assistance (TAA) petition filed on behalf of workers at Questa Mine was based on the findings that the subject firm does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Trade Act of 1974, as amended (the Act).

During the investigation, the Department obtained information that Questa Mine no longer produced molybdenum disulfide and that the workers at Questa Mine were engaged in employment related to the supply of mine development services (such as block caving) and administrative services.

The request for reconsideration states that Chevron Mining, Inc. had been exploring for new mining veins but decided not to reenter the molybdenum market due to the impact of the global market, which resulted in worker separations at Questa Mine. The request cites TAA certifications TA-W-40,739 and TA-W-35,278 as examples of foreign trade impact on Questa Mine,

and asserts that foreign trade continues to affect workers at Questa Mine. The request also asserts that workers at Questa Mine are eligible to apply for TAA as secondarily-affected workers, under Section 222(b), 19 U.S.C. 2272(b) or Section 222(c), 19 U.S.C. 2272(c) of the Act.

During the investigation, the Department received information that revealed that while Questa Mine did produce molybdenum disulfide prior to June 2013, Chevron Mining, Inc. did not reenter the molybdenum market and, consequently, there was no production during the relevant period.

In *Former Employees of Mortgage Guaranty Insurance Corporation (MGIC) v. United States Secretary of Labor* (Court No. 07-00182), the Department stated the policy requiring that the firm employing the subject workers produce an article domestically; that workers providing services incidental to the provision of a services are not engaged in the production of an article for the purposes of the Act; and that the services provided by a workers' firm would not be considered articles, whether tangible or intangible.

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. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After careful 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 4th day of September, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR**Employment and Training
Administration****Notice of Determinations Regarding
Eligibility To Apply for Worker
Adjustment Assistance and Alternative
Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of *September 2, 2014 through September 5, 2014*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been 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; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the

articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact

date for all workers of such determination.

Done.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,304, *Keener Kitchen Mfg. Co., red Lion, Pennsylvania. May 13, 2013.*
85,324, *ConAgra Foods Packaged Foods, LLC., Kentwood, Michigan. May 20, 2013.*

85,422, *Standard Register, Toccoa, Georgia. July 11, 2013.*

85,422A, *Standard Register, Radcliff, Georgia. July 11, 2013.*

85,431, *Southwire Company, LLC., Coffeyville, Kansas. July 17, 2013.*

85,445, *AccuMED Innovative Technologies, LLC., Buffalo, New York. July 24, 2013.*

85,450, *BBB Industries LLC., Stockton, California. July 28, 2013.*

85,473, *Fiber Glass Industries, Inc., Amsterdam, New York. August 7, 2013.*

85,474, *Passion Splash LLC, Commerce, California. August 7, 2013.*

85,478, *American Technical Ceramics, Huntington Station, New York. February 25, 2014.*

85,479, *GDF Suez Mt. Tom Power Plant, Holyoke, Massachusetts. August 12, 2013.*

85,487, *LexisNexis, Colorado Springs, Colorado. August 11, 2013.*

85,492, *Eaton Corporation, Charlotte, North Carolina. August 18, 2013.*

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,229, *Trane U.S., Inc., La Croose, Wisconsin.*

85,464, *Exelis Incorporated, Roanoke, Virginia.*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,301, *Citigroup Technology, Inc., ("CTI"), Warren, New Jersey.*

85,395, *StreetLinks Lender Solutions, Indianapolis, Indiana.*

85,485, *Stratus Technologies, Inc., Maynard, Massachusetts.*

85,494, *Fluor-B&W Portsmouth LLC, Piketon, Ohio.*

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

85,499, *Apex Tool Group, LLC., Springdale, Arkansas.*

85,506, *Diebold, Incorporated, North Canton, Ohio.*

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

85,476, *BBB Industries LLC, Stockton, California.*

I hereby certify that the aforementioned determinations were issued during the period of *September 2, 2014 through September 5, 2014*. These determinations are available on the Web site www.doleta.gov/tradeact/taa/taa_search_form.cfm under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888-365-6822.

Signed at Washington DC this 11th day of September 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

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