

APPENDIX—Continued

[TAA petitions instituted between 1/12/09 and 1/16/09]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
64914	M&Q Plastic Products (Wkrs)	North Wales, PA	01/16/09	01/12/09
64915	Mahle Clevite, Inc. (Comp)	Churubusco, IN	01/16/09	12/17/08
64916	Panasonic Electronic Devices Corp. of America (Comp)	Knoxville, TN	01/16/09	01/15/09
64917	Trans-Tech, Inc. (Comp)	Adamstown, MD	01/16/09	01/16/09
64918	Lehman Brothers (State)	New Haven, CT	01/16/09	01/15/09
64919	Modine Manufacturing Company (Comp)	Logansport, IN	01/16/09	01/15/09
64920	Heritage Products, Inc. (Comp)	Crawfordsville, IN	01/16/09	01/15/09

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DEPARTMENT OF LABOR

Employment and Training
Administration

[TA-W-64,160]

**Boise Cascade, LLC; Wood Products
Division; St. Helens, OR; Notice of
Negative Determination on
Reconsideration**

On December 10, 2008, 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 December 18, 2008 (73 FR 77063-77064).

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

The petitioner alleged that imports of softwood lumber and plywood from Canada have a strong influence on the United States softwood market and caused layoffs at the subject facility. The petitioner seems to allege that because imports of non-petroleum articles and, specifically imports from China, were at a record during August 2008, workers of the subject firm should be eligible for Trade Adjustment Assistance.

In order to establish import impact and whether imports contributed importantly to worker separations, the Department must consider imports that are like or directly competitive with those produced at the subject firm. The “contributed importantly” test is generally demonstrated through a survey of customers of the workers’ firm regarding their import purchases.

On reconsideration the Department conducted a survey of all the subject firm’s customers regarding purchases of softwood veneer and like or directly

competitive products during 2006, 2007 and during January through September 2008. The survey revealed that the customers did not increase their imports of softwood veneer in 2006, 2007 and during January through September 2008 over the corresponding 2007 period.

Furthermore, United States aggregate imports of veneer decreased from 2006 to 2007 and from January through November 2008 over the corresponding 2007 period.

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 Boise Cascade, LLC, Wood Products Division, St. Helens, Oregon.

Signed at Washington, DC, this 21st day of January 2009.

Elliott S. Kushner,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

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DEPARTMENT OF LABOR

Employment and Training
Administration

[TA-W-63,924; TA-W-63,924A]

**Boise Cascade, LLC, Wood Products
Division, La Grande Lumber Mill, La
Grande, OR; Boise Cascade, LLC,
Wood Products Division, La Grande
Particleboard, La Grande, OR; Notice
of Revised Determination on
Reconsideration**

On November 14, 2008, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on November 25, 2008 (73 FR 71693).

The previous investigation initiated on August 25, 2008, resulted in a

negative determination issued on October 1, 2008, was based on the finding that imports of softwood lumber and particleboard did not contribute importantly to worker separations at the subject firm and no shift in production to a foreign source occurred. The denial notice was published in the **Federal Register** on October 20, 2008 (73 FR 62323).

On reconsideration, the Department requested an additional list of customers of the subject firm and conducted a customer survey to determine whether imports of lumber and particleboard negatively impacted employment at the subject firms.

Upon further investigation, after receiving the customer list it was determined that Boise Cascade, LLC, Wood Products Division, La Grande Lumber Mill, La Grande, Oregon (TA-W-63,924) supplied component parts for window and door frames and a loss of business with a manufacturer of window and door frames whose workers were certified eligible to apply for adjustment assistance contributed importantly to the separation or threat of separation of workers at Boise Cascade, LLC, Wood Products Division, La Grande Lumber Mill, La Grande, Oregon (TA-W-63,924).

Furthermore, the survey of the major declining customers of Boise Cascade, LLC, Wood Products Division, La Grande Particleboard, La Grande, Oregon (TA-W-63,924A) revealed that the major declining customer increased its reliance on imports of particleboard while decreasing purchases from the subject firm from 2006 to 2007 and during January through August 2008 over the corresponding 2007 period.

In accordance with Section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for

ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of Boise Cascade, LLC, Wood Products Division, La Grande Lumber Mill, La Grande, Oregon (TA-W-63,924), qualify as adversely affected secondary workers under Section 222 of the Trade Act of 1974, as amended, and that an increased reliance on imports of articles like or directly competitive with those produced at Boise Cascade, LLC, Wood Products Division, La Grande Particleboard, La Grande, Oregon (TA-W-63,924A), contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Boise Cascade, LLC, Wood Products Division, La Grande Lumber Mill, La Grande, Oregon (TA-W-63,924), and all workers of Boise Cascade, LLC, Wood Products Division, La Grande Particleboard, La Grande, Oregon (TA-W-63,924A), who became totally or partially separated from employment on or after August 20, 2007, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 26th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-57,700]

Joy Technologies, Inc., dba Joy Mining Machinery, Mt. Vernon Plant, Mt. Vernon, IL; Notice of Revised Determination on Remand

On January 22, 2009, the U.S. Court of International Trade (USCIT)

remanded to the U.S. Department of Labor (Department) for further review *Former Employees of Joy Technologies, Inc. v. U.S. Secretary of Labor*, Court No. 06-00088.

On August 2, 2005, the International Brotherhood of Boiler-makers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 483, filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers and former workers of Joy Mining Machinery, Mt. Vernon, Illinois (subject facility) producing underground mining equipment. The petition alleged that the subject facility would close September 23, 2005, due to a shift of production to Canada, China, Mexico and Russia.

During the initial TAA investigation, the Department determined that the subject workers produced mining machinery and mining machinery components, and that the workers were not separately identifiable by product line.

The group eligibility requirements for directly impacted (primary) workers under Section 222(a) the Trade Act of 1974, as amended, can be satisfied in either of two ways:

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 is 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.

The initial negative determination regarding eligibility to apply for TAA, issued on September 25, 2005, was based on the Department's findings that employment at the subject facility increased during the relevant period, that subject facility sales did not decrease during the relevant period, that Joy corporate sales increased during the relevant period, and that there was no shift of production to a foreign country.

By application letter application dated November 3, 2005, the former workers requested administrative reconsideration, alleging that the workers' separations were due to a shift of production to Mexico.

On January 19, 2006, the Department issued a negative determination on reconsideration. The denial was based on the Department's findings that there was no shift of production to Mexico and that the workers were not eligible to apply for TAA as workers of a secondarily affected company.

By letter dated March 15, 2006, Plaintiffs sought judicial review. Plaintiffs asserted that the petitioning workers are eligible to apply for TAA due to either increased imports of articles like or directly competitive with crawler track frames (a type of mining machinery component) produced by the subject facility or a shift of production crawler track frames to Mexico.

During the first remand investigation, the Department determined that there was no shift of production to a foreign country and that increased imports could not have contributed importantly to the workers' separations because subject firm sales increased during the relevant period. On January 8, 2007, the Department issued a negative determination on remand.

During the second remand investigation, the Department determined that crawler track frame production at the subject facility increased during the relevant period and that imports of articles like or directly competitive with these articles ceased before the subject facility closed, and concluded that imports of crawler track frames did not contribute