

## APPENDIX [TAA PETITIONS INSTITUTED BETWEEN 9/25/06 AND 9/29/06]—Continued

| TA-W        | Subject firm (petitioners)                      | Location               | Date of institution | Date of petition |
|-------------|-------------------------------------------------|------------------------|---------------------|------------------|
| 60157 ..... | Visteon (Union) .....                           | Connersville, IN ..... | 09/27/06            | 09/22/06         |
| 60158 ..... | Geneva Steel LLC (COMP) .....                   | Lindon, UT .....       | 09/28/06            | 09/27/06         |
| 60159 ..... | Brown International Corporation (Wkrs) .....    | Covina, CA .....       | 09/28/06            | 09/27/06         |
| 60160 ..... | Multi-Fineline Electronix, Inc. (Wkrs) .....    | Anaheim, CA .....      | 09/28/06            | 09/28/06         |
| 60161 ..... | Wright and Lato Inc. (Union) .....              | E. Orange, NJ .....    | 09/28/06            | 09/26/06         |
| 60162 ..... | Ison Transport Inc. (COMP) .....                | Ontonagon, MI .....    | 09/29/06            | 09/28/06         |
| 60163 ..... | Gallman Wire Technologies (COMP) .....          | Gallman, MS .....      | 09/29/06            | 09/28/06         |
| 60164 ..... | ZF Boge Elastometall (COMP) .....               | Paris, IL .....        | 09/29/06            | 09/28/06         |
| 60165 ..... | Emerson Climate Technologies (COMP) .....       | Murfreesboro, TN ..... | 09/29/06            | 09/18/06         |
| 60166 ..... | Up North Industries (Wkrs) .....                | Petoskey, MI .....     | 09/29/06            | 09/28/06         |
| 60167 ..... | Andrew Massachusetts (AFMA) (COMP) .....        | Amesbury, MA .....     | 09/29/06            | 09/26/06         |
| 60168 ..... | Korn Industries Inc. (COMP) .....               | Sumter, SC .....       | 09/29/06            | 09/20/06         |
| 60169 ..... | Cognex Corporation (COMP) .....                 | Natick, MA .....       | 09/29/06            | 09/19/06         |
| 60170 ..... | AET Films Incorporated (Union) .....            | Covington, VA .....    | 09/29/06            | 09/29/06         |
| 60171 ..... | Nisource/Columbia Gas Transmission (Wkrs) ..... | Charleston, WV .....   | 09/29/06            | 09/27/06         |

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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 25 through September 29, 2006.

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 issued 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.

The following certifications have been issued. The requirements of section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA-W-59,910; *Allied Poly Industries, Hayward, CA: August 3, 2005.*

TA-W-59,971; *Mar/Tron, Inc., Flippin, AR: August 28, 2005.*

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

TA-W-59,965; *Jones Apparel of Texas II, Ltd., El Paso, TX: August 21, 2005.*

TA-W-59,966; *ABB, Inc., Lewisburg, WV: August 28, 2005.*

#### **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.

TA-W-58,937; *Rexam, Inc., d/b/a Precise Technology/PGH Tool Shop, North Versailles, PA: February 28, 2005.*

TA-W-59,183; *Gehl Company, West Bend, WI: April 10, 2005.*

TA-W-59,953; *Corinthian, Inc., Cutting Department, Corinth, MS: August 24, 2005.*

TA-W-60,010; *Placement Pros. Maverick Technology and Manpower, Working On-Site at Maytag Corporation, Herrin, IL: September 5, 2005.*

TA-W-60,027; *West Point Home, Bed Products Division, Opelika, AL: September 7, 2005.*

TA-W-60,037; *Ethan Allen Operations, Inc., Spruce Pine, NC: September 7, 2005.*

TA-W-60,070; *RAD Electronics, Inc., dba RAD Technologies, Hillsboro, OR: September 12, 2005.*

TA-W-60,098; *AME Corporation, Towaco, NJ: September 18, 2005.*

TA-W-59,903; *Acore Door Company, Coldwater, MI: August 14, 2005.*

TA-W-59,921; *Weyerhaeuser Co., Specialty Packaging Facility, Valley View, OH: August 10, 2005.*

TA-W-59,922; *Hiatt Metal Products Co., Muncie, IN: August 17, 2005.*

TA-W-59,928; *Diversco Integrated Services, Bed Products Division,*

*Calhoun Falls, Plnat, Calhoun Falls, SC: August 16, 2005.*

TA-W-59,957; *Jonette Jewelry Co., East Providence, RI: August 25, 2005.*

TA-W-60,001; *Butts Manufacturing Co., Garden Grove, CA: August 24, 2005.*

TA-W-60,007; *GKN, Sinter Metals Division, Salem, IN: September 1, 2005.*

TA-W-60,025; *Modine Manufacturing, Automotive Div., Logansport, IN: September 6, 2005.*

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-59,866; *Troy Design, Inc., On-Site at General Motors Corp., Engineering Design Interiors Surfacing, Warren, MI: August 4, 2005.*

TA-W-60,013; *Hutchinson FTS, Byrdstown, TN: September 5, 2005.*

TA-W-60,017; *Kimberly-Clark Corporation, Kimberly-Clark Global Sales, Inc., Neenah, WI: September 6, 2005.*

TA-W-60,018; *Great Western Malting, Vancouver, WA: September 6, 2005.*

TA-W-60,038; *Carbone Kirkwood, LLC, Farmville, VA: August 31, 2005.*

TA-W-60,039; *Hamilton Sundstrand, Actuation Systems Enterprise Group, Rockford, IL: August 31, 2005.*

TA-W-60,065; *Suntron Midwest Operations, Div. of Suntron Corp., Olathe, KS: September 12, 2005.*

TA-W-60,093; *Carhartt, Inc., Madisonville Cutting Division, Madisonville, KY: September 14, 2005.*

TA-W-59,945; *Sheaffer Manufacturing Co., LLC, A Subdivision of BIC Corporation, Fort Madison, IA: September 24, 2006.*

TA-W-60,036; *Crane Plumbing, Monroe, GA: September 7, 2005.*

TA-W-60,040; *ADVO, Graphics Print Department, Milwaukee, WI: September 1, 2005.*

TA-W-60,099; *Metaldyne Corp., Greenville, NC: September 11, 2005.*

The following certifications have been issued. The requirements of section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-59,856; *Kimball International, Kimball Electronics Group Division, Jasper, IN: August 2, 2005.*

TA-W-59,967; *GAC Chemical Corp., General Alum New England, Searsport, ME: August 16, 2005.*

TA-W-60,020; *Venus Accessories, Ltd., Long Island City, NY: August 14, 2005.*

TA-W-60,044; *Degussa Engineered Carbons, LP, Belpre, OH: September 1, 2005.*

TA-W-60,063; *Fisher and Company, A Division of Fisher Corp., Troy, MI: September 5, 2005.*

The following certifications have been issued. The requirements of section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

*None.*

#### **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.

The Department as determined that criterion (1) of section 246 has not been met. Workers at the firm are 50 years of age or older.

TA-W-59,910; *Allied Poly Industries, Hayward, CA: August 3, 2005.*

TA-W-59,966; *ABB, Inc., Lewisburg, WV.*

The Department as determined that criterion (2) of section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA-W-59,971; *Mar/Tron, Inc., Flippin, AR.*

TA-W-59,965; *Jones Apparel of Texas II, Ltd., El Paso, TX.*

The Department as determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

*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.

Since the workers of the firm are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA-W-59,942; *Distinctive Designs Furniture USA, Fiber Department, Granite Falls, NC.*

TA-W-59,972; *National Apparel, San Francisco, CA.*

TA-W-60,073; *Leviton Manufacturing Co., Southern Devices Division, Morganton, NC.*

TA-W-60,083; *QPM Aerospace, Portland, OR.*

TA-W-60,094; *Goodyear Tire and Rubber Co., Union City Plant, Union City, TN.*

TA-W-60,101; *Siemon Company (The), Watertown, CT.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met. TA-W-60,011; *OSRAM Sylvania, Inc., Central Falls, RI.*

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.

TA-W-59,744; *AGX Corporation, New York, NY.*

TA-W-59,818; *Sun Chemical Corp., North American Inks (NAI), Winston-Salem, NC.*

TA-W-59,876; *Glide Lumber, LLC, Glide, OR.*

TA-W-59,898; *Fenton Art Glass Company, Williamstown, WV.*

TA-W-59,940; *Liberty Throwing Co., Inc., Kingston, PA.*

TA-W-60,071; *J and S Industries LLC, Livonia, MI.*

TA-W-60,074; *Rebtex Company, Inc., East Greenwich, RI.*

The investigation revealed that the predominate cause of worker separations is unrelated to criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.C) (shift in production to a foreign country under a free trade agreement or a beneficiary country under a preferential trade agreement, or there has been or is likely to be an increase in imports).

*None.*

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

TA-W-59,995; *Bess Manufacturing Co., Bensalem, PA.*

TA-W-59,998; *Mortgage Guaranty Insurance Corp., Concord, CA.*

TA-W-60,087; *Wachovia Bank, Disbursement Operating Services, Philadelphia, PA.*

The investigation revealed that criteria of section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

*None.*

I hereby certify that the aforementioned determinations were

issued from September 25 through September 29, 2006. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 5, 2006.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,463]

#### Ash Grove Cement Company Rivergate Lime Plant; Portland, OR; Notice of Negative Determination on Reconsideration

On August 7, 2006, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Ash Grove Cement Company, Rivergate Lime Plant, Portland, Oregon (subject firm). The Department's Notice of Affirmative Determination was published in the **Federal Register** on September 26, 2006 (71 FR 56169). Although the petition states that the subject firm produces calcium oxide, the investigation revealed that ground limestone, ground dolomite, and calcium hydroxide are produced as well as calcium oxide. The subject workers are not separately identifiable by product line. The petitioner (the subject firm) requested that the Department consider TA-W-59,463 as both a primary and secondary petition.

The petition for the workers of the subject firm was denied because there was no shift of production and the "contributed importantly" group eligibility requirement of section 222 of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through increased imports by either the subject firm or its customers of those articles produced by the subject worker group.

The investigation revealed that although calcium oxide production had ceased, there was no shift of production from the subject facility to a country that is party to a free trade agreement with the United States, or a country that is named as a beneficiary under the

Andean Trade Preference Act, the African Growth and Opportunity Act or the Caribbean Basin Economic Recovery Act. The investigation also revealed that neither the subject firm nor its customers increased imports of calcium oxide during the relevant period.

Because the determination did not state whether the subject worker group is eligible for TAA as workers of a secondarily-affected firm, the Department issued the Notice of Affirmative Determination Regarding Application for Reconsideration.

In the initial petition, the company official asserts that the subject firm supplied calcium oxide to Oregon Steel Mills (TAA certified on May 9, 2003; TA-W-50,706). In the request for reconsideration, the company official stated that "calcium oxide produced at the plant is sold for a variety of end uses but is primarily used in the iron and steel making industry." The company official also asserts that the closure of Oregon Steel Mills, Portland, Oregon in May 2003 (one of two major customers) and the subject firm's inability to secure another high-volume customer led to the closure of the calcium oxide line and the workers' separations.

During the reconsideration investigation, the company official confirmed that calcium oxide production ceased at the subject facility on May 31, 2006. Calcium oxide constituted a meaningful portion of production at the subject facility.

During the reconsideration investigation, the company official provided new information that indicated that there are several major declining calcium oxide customers during the relevant period. In response to this new information, the Department carefully reviewed previously-submitted information and conducted a new survey to determine whether these customers had increased import purchases of calcium oxide while declining their purchases from the subject firm during the relevant period. The reconsideration investigation revealed no increased imports of calcium oxide by these customers.

For certification on the basis of the workers' firm being a secondary upstream supplier, the subject firm must have customers that are TAA certified during the relevant period and the TAA certified customers must represent a significant portion of subject firm's business during the relevant period. In addition, the subject firm would have to produce a component part of the product that was the basis for the customers' certification.

Because the TAA certification for Oregon Steel Mills, Portland, Oregon