

At the request of New York State Department of Labor, the Department reviewed the certification for workers of the subject firm. New information shows that a worker leased from Wurth Revcar Fasteners, Inc. was also employed on-site at Daimler Buses North America, Inc., Oriskany, New York. The Department has determined that this worker was sufficiently under the control of Daimler Buses North America, Inc. to be considered a leased worker.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased customer imports of transit buses.

Based on these findings, the Department is amending this certification to include the worker leased from Wurth Revcar Fasteners, Inc. working on-site at the Oriskany, New York location of the subject firm.

The amended notice applicable to TA-W-81,718 is hereby issued as follows:

All workers of Daimler Buses North America, Inc., a subsidiary of Daimler North America Corp., including on-site leased workers from Noramtec, First Choice Staffing, Staff Works, and Mr. Santo LaMarco from Wurth Revcar Fasteners, Inc., Oriskany, New York, who became totally or partially separated from employment on or after June 8, 2011, through September 28, 2014, 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 at Washington, DC, this 28th day of December 2012.

**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

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 by (TA-W) number issued during the period of December 17, 2012 through December 31, 2012.

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. Under Section 222(a)(2)(A), the following must be satisfied:

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

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

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

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies 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) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary 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(c) of the Act must be met.

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

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

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

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

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a

domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

#### 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 No.	Subject firm	Location	Impact date
82,158 .....	Mohawk Industries, Inc., Backing Division .....	Waynesboro, VA .....	December 9, 2011.
82,224 .....	Evrax Stratcor, Inc., Strategic Minerals Corporation.	Hot Springs, AR .....	December 6, 2011.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or

services) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
82,005 .....	Boston Scientific Corporation .....	Maple Grove, MN .....	September 25, 2011.
82,005A .....	Boston Scientific Corporation .....	Plymouth, MN .....	September 25, 2011.
82,123 .....	Medtronic, Inc., Cardiac and Vascular Group, Excluding the Cardiac Rhythm Disease Mgmt, etc..	Mounds View, MN .....	October 31, 2011.
82,123A .....	Medtronic, Inc., Cardiac and Vascular Group, Cardiac Rhythm Disease Mgmt. Op. Segment, etc..	Mounds View, MN .....	October 2, 2012.
82,149 .....	Texon USA Inc., Texon International Group Limited.	Russell, MA .....	October 4, 2011.
82,169 .....	T-Systems North America, Inc. ....	Andover, MA .....	November 21, 2011.
82,170 .....	TI Automotive, Ltd., FCS (Fluid Carrying System) Division, Elwood Staffing.	Cynthiana, KY .....	November 21, 2011.
82,172 .....	Nanya Technology Corporation Delaware, Nanya Technology Corporation-Taiwan.	Houston, TX .....	November 26, 2011.
82,175 .....	Philips Healthcare, MRI, Adecco .....	Highland Heights, OH .....	November 16, 2011.
82,186 .....	Faurecia, Emissions Control Technologies, Express Employment & Manpower.	Dexter, MO .....	January 26, 2013.
82,199 .....	Regal Beloit Corporation, Springfield, Missouri Division, Penmac Personnel Services.	Springfield, MO .....	November 30, 2011.
82,201 .....	XOR Media, Formerly SeaChange International.	Greenville, NH .....	December 3, 2011.
82,203 .....	Huntingdon County Site, FCI USA, LLC, Americas Division, FCI SA, Manpower, Inc..	Mount Union, PA .....	January 23, 2012.
82,205 .....	Thermo Electron North America, LLC, Thermo Fischer Scientific, Adecco and Aerotek.	Madison, WI .....	December 4, 2011.
82,214 .....	Kulicke & Soffa Industries, Aerotek and ITC, UI Wages Reported Through Orthodyne Electronics.	Irvine, CA .....	December 11, 2012.
82,238 .....	Dolby Laboratories, Inc., Manufacturing Division, Zerochaos and Modis.	Brisbane, CA .....	December 10, 2011.
82,244 .....	Philips Lighting, Philips Lightolier Division, Adecco.	Wilmington, MA .....	December 10, 2011.
82,253 .....	Cardinal Health, Financial Shared Services West, Aerotek, Excel Staffing and Experis Finance.	Albuquerque, NM .....	December 13, 2011.

**Negative Determinations for Worker 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.

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i)

(decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
82,118 .....	Hanson Worldwide LLC .....	Spokane, WA.	

The investigation revealed that the criteria under paragraphs(a)(2)(A)

(increased imports) and (a)(2)(B) (shift in production or services to a foreign

country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
81,901 .....	iPacsetters, LLC .....	Eau Claire, WI.	
82,095 .....	Verizon Services Corporation, Customer Service Clerk, General Clerk.	Clarksburg, WV.	
82,136 .....	Peabody Indiana Services, LLC, Air Quality Mine, Custom Staffing Services.	Vincennes, IN.	
82,138 .....	Prudential Insurance Company of America, Prudential Annuities, Transfer of Assets Division.	Dresher, PA.	
82,144 .....	Electrolux Home Care Products Inc., Distribution Center.	El Paso, TX.	
82,180 .....	Comcast Cable, West Division Customer Care	Morgan Hill, CA.	
82,188 .....	PNC Bank, National Association, Retail Bank ..	Franklin, PA.	
82,188A .....	PNC Bank, National Association, Retail Bank ..	West Chester, IL.	

**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.

TA-W No.	Subject firm	Location	Impact date
82,062 .....	Pemco World Air Services .....	Florence, KY.	
82,177 .....	Tyco Electronics Corporation, TE Connectivity Ltd. Company.	Middletown, PA.	

The following determinations terminating investigations were issued because the petitioning groups of

workers are covered by active certifications. Consequently, further investigation in these cases would serve

no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

TA-W No.	Subject firm	Location	Impact date
81,996 .....	Novartis Pharmaceutical Corporation, Primary Care Business Unit (Sales) Division.	Schaumburg, IL.	
82,130 .....	Wurth Revcar Fasteners, Inc., Working on-site at Daimler Buses North America, Inc.	Oriskany, NY.	
82,232 .....	EEP Quality Group, Inc. ....	Syracuse, NY.	

I hereby certify that the aforementioned determinations were issued during the period of December 17, 2012 through December 31, 2012. These determinations are available on the Department's Web site [tradeact/taa/taa/search/form.cfm](http://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.

Dated: January 2, 2013.

**Elliott S. Kushner,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-82,074]

#### **Komax Solar, Inc., a Wholly Owned Subsidiary of Komax Holdings AG, York, PA; Notice of Negative Determination Regarding Application for Reconsideration**

By applications received on November 12, 2012 and November 26, 2012, two workers independently requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers Komax Solar, Inc., a wholly owned subsidiary of Komax Holdings, AG, York, Pennsylvania (subject firm or Komax). The negative determination was issued on November 1, 2012. The Department's Notice of Determination was published in the **Federal Register** on November 26, 2012 (77 FR 70480).

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 workers of Komax were engaged in activities related to the production of solar panel production machines. The

products manufactured at the subject firm are predominantly for export sale.

The petition stated that the workers were informed by the subject firm that the layoffs were a result of production shifting to a Komax facility in Asia. In the request for reconsideration, the workers again asserted that separations at Komax are attributable to a future shift of solar panel production to Asia.

Machines used to produce solar panels are not component parts of solar panels and are neither like nor directly competitive with solar panels.

The negative determination was based on the Department's findings that the subject firm did not shift to a foreign country the production of articles like or directly competitive with the solar panel production machines produced by the workers, or acquire the production of such articles from a foreign country; that the workers' separation, or threat of separation, was not related to any increase in imports by the subject firm of articles like or directly competitive with solar panel production machines; and that the workers' firm is not a supplier or a downstream producer to a firm that employed a group of workers who received a TAA certification.

The Department did not conduct a survey on the subject firm's declining domestic customers of solar panel production machines because sales to domestic customers increased during the relevant time period. Further, the articles manufactured at the subject firm during the relevant time period were almost entirely export sales.

One of the requests for reconsideration alleges "flooding of the market by underpriced Chinese solar modules." The Department notes that the International Trade Commission did not name Komax as a member of a domestic industry in an investigation resulting in an affirmative finding of serious injury, market disruption, or material injury, or threat thereof.

The workers in the requests for reconsideration did not supply facts not previously considered or 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 review of the applications 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 27th day of December, 2012.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### **Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 22, 2013.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 22, 2013.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 2nd day of January 2013.

**Elliott S. Kushner,**

*Certifying Officer, Office of Trade Adjustment Assistance.*