

cleaners/washers at the subject firm decreased during the relevant period. Rather, sales and production levels at the subject firm increased in 2006 from 2005 levels, and increased during January through July 2007 from January through July 2006 levels. The investigation also revealed that the subject firm did not shift production of parts cleaners/washers abroad. Rather, the shift of production was to an affiliated, domestic facility. Therefore, the Department determined that neither Section 222(a)(2)(A) nor Section 222(a)(2)(B) was satisfied.

The petitioner contends that “no automatic parts washers were manufactured in Mexico, but pressure washers are being manufactured in Mexico” and that it does not matter that “the manufacture of our specific product did not go to Mexico, because our company produces a family of products. Transfer of one product in the family, affects the other products in the family.”

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

In the request for reconsideration, the petitioner did not provide any new facts or allege any mistake of facts. Rather, the petitioner alleges that the Department has misinterpreted the law—that the shift of production of pressure washers from C-Tech Industries, Camas, Washington, to Mexico is a basis for a certification of eligibility for workers and former workers of C-Tech Industries, A Subsidiary of Alfred Karcher GMBH & Co. KG, Calumet, Michigan to apply for TAA and ATAA.

The statute requires that the shift of production abroad must be of an article that is like or directly competitive with those produced at the subject firm. Because pressure washers and automatic parts washers are not similar to each other and are not directly competitive with each other, the Department determines that the shift of pressure washers to Mexico cannot be the basis for certification of a worker group that produces parts washers.

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 24th day of September 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,674]

EGS Electrical Group, Sola/Hevi-Duty Division, Nashville, TN; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(c) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at EGS Electrical Group, Sola/Hevi-Duty Division, Nashville, Tennessee. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, a letter of dismissal was issued, which constitutes a negative determination regarding the application for reconsideration.

TA-W-61,674; EGS Electrical Group Sola/Hevi-Duty Division Nashville, Tennessee (September 4, 2007).

Signed at Washington, DC this 21st day of September 2007.

Ralph DiBattista,

Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,671]

Faradyne Motors, A Joint Venture of ITT Industries and Pentair, Incorporated, Formerly Known as Success Enterprises LLC, Including On-Site Leased Workers From Kelly Services, Newark, NY, Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on June 20, 2007, applicable to workers of Faradyne Motors, A Joint Venture of ITT Industries and Pentair, Inc., Newark, New York. The notice was published in the **Federal Register** on July 9, 2007 (72 FR 37365).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of motors for pumps. The subject firm originally named Success Enterprises LLC was renamed Faradyne Motors due to a corporate decision in 2006. The State agency reports that some workers wages at the subject firm are being reported under the Unemployment Insurance (UI) tax account for Success Enterprises LLC, Newark, New York.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department’s certification is to include all workers of Faradyne Motors who were adversely affected by increased company imports following a shift in production to China.

The amended notice applicable to TA-W-61,671 is hereby issued as follows:

All workers of Faradyne Motors, A Joint Venture of ITT Industries and Pentair, Inc., formerly known as Success Enterprises LLC, including on-site leased workers from Kelly Services, Newark, New York, who became totally or partially separated from employment on or after June 11, 2006, through June 20, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.