

[FR Doc. 2010-3007 Filed 2-12-10; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration****Investigations Regarding Certifications
of 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 Division 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, Division of Trade Adjustment Assistance, at the address shown below, not later than February 26, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 26, 2010.

The petitions filed in this case are available for inspection at the Division 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 1st day of February 2010.

Elliott Kushner,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

APPENDIX

[TAA petitions instituted between 1/25/10 and 1/29/10]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73341	WestPoint Home—Bed Division (Comp)	Biddeford, ME	01/25/10	01/22/10
73342	WestPoint Home Engineering Office (Comp)	Valley, AL	01/25/10	01/15/10
73343	Convergys, IMG (Wkrs)	Lake Mary, FL	01/25/10	01/19/10
73344	Universal Stainless and Alloy Products (Union)	Bridgeville, PA	01/25/10	01/19/10
73345	Bartech Technical Services (State)	Huber Heights, OH	01/25/10	12/16/09
73346	Western Reserve Group (Wkrs)	Wooster, OH	01/25/10	01/22/10
73347	Summit Polymers, Inc. (Wkrs)	Portage, MI	01/25/10	01/22/10
73348	Hayes Enterprises, Inc. (Wkrs)	Potomac, MT	01/26/10	01/18/10
73349	Freres Lumber Company, Inc. (Comp)	Lyons, OR	01/26/10	01/20/10
73350	Alcan Packaging (State)	Washington, NJ	01/26/10	01/25/10
73351	Sandy Alexander (Wkrs)	Clifton, NJ	01/26/10	01/25/10
73352	Republic Special Metals, Inc. (Union)	Canton, OH	01/26/10	01/20/10
73353	Federal-Mogul (Wkrs)	Smithville, TN	01/26/10	01/13/10
73354	Hugo Boss (Wkrs)	Cleveland, OH	01/26/10	01/14/10
73355	EMC Corporation (Wkrs)	Hopkinton, MA	01/26/10	01/18/10
73356	Ceratizit Newcomer USA (Union)	Derry, PA	01/26/10	01/13/10
73357	Hutchinson Technology, Inc. (State)	Eau Claire, WI	01/26/10	01/14/10
73358	Red Wing Shoe—Danville Plant (Comp)	Danville, KY	01/26/10	01/15/10
73359	Tardy-Conners Group, LLC (Wkrs)	Monson, ME	01/26/10	01/22/10
73360	Mann-Hummel Advanced Filtration Systems (Wkrs)	Louisville, KY	01/26/10	01/21/10
73361	Sammamish Compus (Wkrs)	Redmond, WA	01/26/10	01/14/10
73362	Leggett & Platt (Comp)	Georgetown, KY	01/27/10	01/20/10
73363	Republic Engineered Products (Union)	Massillon, OH	01/27/10	01/21/10
73364	Champion Dye (Union)	Paterson, NJ	01/27/10	01/20/10
73365	Republic Engineered Products (Union)	Massillon, OH	01/27/10	01/21/10
73366	LifeSparc, Inc. (Comp)	Hollister, CA	01/27/10	01/26/10
73367	Caliber Auto Transfer of Ohio, Inc. (Comp)	Fostoria, OH	01/27/10	01/26/10
73368	NCI Group, Inc. (Wkrs)	Houston, TX	01/27/10	01/25/10
73369	Key Energy (State)	Houston, TX	01/27/10	01/22/10
73370	Thomson Reuters (Wkrs)	Independence, OH	01/27/10	01/26/10
73371	The State Media Company (Wkrs)	Columbia, SC	01/27/10	01/22/10
73372	Sylvan Hardwoods, LLC (Comp)	McRae, GA	01/27/10	06/15/09
73373	FLSmidth Spokane, Inc. (Comp)	Spokane, WA	01/28/10	01/27/10
73374	Marshalltown Company (State)	Marshalltown, IA	01/28/10	01/25/10
73375	Target Corporation (State)	Minneapolis, MN	01/28/10	01/27/10
73376	Waker Neuson (Union)	Menomonee Falls, WI	01/28/10	01/27/10
73377	Toppan Photo Masks, Inc. (Wkrs)	Round Rock, TX	01/28/10	01/18/10
73378	General Fasteners Company (Comp)	Livonia, MI	01/28/10	01/27/10
73379	Bombardier Transportation? (Comp)	Plattsburgh, NY	01/28/10	01/26/10
73380	Fiserv Fulfillment Services, Inc. (Comp)	Pittsburgh, PA	01/28/10	01/22/10
73381	Montana Rail Link (Comp)	Missoula, MT	01/28/10	01/26/10
73382	Holcim US Inc., Corporate Division (State)	Dundee, MI	01/29/10	01/29/10

[FR Doc. 2010-3008 Filed 2-12-10; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-70,783]

**T&S Hardwoods, Inc., Sylva, NC;
Notice of Negative Determination
Regarding Application for
Reconsideration**

By application dated January 5, 2010, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on December 9, 2009 and will soon be published in the **Federal Register**.

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.

The initial investigation resulted in a negative determination, based on the finding that imports of hardwood lumber did not contribute to worker separations at the subject facility and there was no shift in production from the subject firm to foreign country during the period under investigation.

The petitioner stated that the workers of the subject firm should be eligible for TAA because the worker separations were caused by "increase in foreign imports, and/or a shift in production and/or services to foreign countries." The petitioner did not supply any additional facts or documentation to support the allegations.

The initial investigation revealed that worker separations at the subject facility were not caused by increased imports of hardwood lumber into the United States nor by a shift in production of hardwood lumber from the subject facility to a foreign country. T&S Hardwoods, Inc. did not import hardwood lumber and did not shift production abroad. The Department surveyed subject firm's major declining customers regarding their purchases of

hardwood lumber in 2007, 2008, January through April 2008 and January through April 2009. The survey revealed no imports of hardwood lumber during the relevant period.

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.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

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 in Washington, DC, this 21st day of January 2010.

Del Min Amy Chen,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 2010-3014 Filed 2-12-10; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-70,541]

**Samuel Aaron, Inc., Long Island City,
NY; Notice of Negative Determination
Regarding Application for
Reconsideration**

By application dated January 12, 2010, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on December 7, 2009 and the Notice of Determination was published in the **Federal Register** on January 25, 2010 (75 FR 3932).

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.

The TAA petition filed on behalf of workers at Samuel Aaron, Inc., Long Island City, New York was based on the finding that imports of services like or directly competitive with services provided by workers of the subject firm did not contribute to worker separations at the subject firm during the relevant period and no shift in services to a foreign source occurred. The subject firm did not import nor acquire services from a foreign country and did not shift the provision of these services to a foreign country during the relevant period.

The petitioner stated in the request for reconsideration that a shift in labor overseas was the reason behind worker separations at the subject facility.

The investigation revealed that workers of the subject firm were engaged in distribution and warehousing services of jewelry during the relevant period. Samuel Aaron, Inc., did not import these services, nor shift/acquired provision of these services to/from a foreign country during the relevant period. Therefore, criteria II.A. and II.B. of Section 222(a) of the Act were not met.

Furthermore, with the respect to Section 222(c) of the Act, the investigation revealed that criterion 2 was not met because the workers did not supply a service that was used by a firm with TAA-certified workers in the production of an article or supply of a service that was a basis for TAA certification.

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.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

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.