

## APPENDIX—21 TAA—Continued

[Petitions instituted between 12/26/06 and 12/29/06]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
60674 .....	UNITE, New York Joint Board (UNITE) .....	Union City, NJ ...	12/28/06	12/12/06
60675 .....	Pittsburgh Corning Corporation (Comp) .....	Port Allegany, PA.	12/28/06	12/21/06
60676 .....	Staver Foundry, Inc. (State) .....	Virginia, MN .....	12/28/06	12/27/06
60677 .....	Win Depot, LLC (Wkrs) .....	Long Island City, NY.	12/28/06	12/27/06
60678 .....	Keystone Powdered Metal (Comp) .....	St. Marys, PA ....	12/28/06	12/28/06
60679 .....	Greenwood Mills, Inc. (Comp) .....	Greenwood, SC	12/29/06	12/19/06
60680 .....	Cecilware Corporation (Comp) .....	Astoria, NY .....	12/29/06	12/18/06
60681 .....	Boeing Company (The) (TN/TA) .....	Oak Ridge, TN ...	12/29/06	12/06/06
60682 .....	Meridian Automotive Systems (Wkrs) .....	Kentwood, MI .....	12/29/06	12/21/06
60683 .....	Chesmore Seed Company (Wkrs) .....	St. Joseph, MO ..	12/29/06	12/28/06
60684 .....	Mohican Mills, Inc. (Comp) .....	Lincolnton, NC ...	12/29/06	12/05/06
60685 .....	ACE Style Intimate Apparel, Inc. (Wkrs) .....	New York, NY ....	12/29/06	12/23/06
60686 .....	Simonds Industries, Inc. (USWA) .....	Newcomerstown, OH.	12/29/06	12/28/06
60687 .....	Wheatland Tube Co. (USWA) .....	Sharon, PA .....	12/29/06	12/11/06

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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 December 18 through December 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 issue 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-60,531; *Intelliden, Inc., Colorado Springs, CO: November 29, 2005.*

TA-W-60,560; *Electronic Data Systems, EDS-Xerox Account, Rochester, NY: November 21, 2005.*

TA-W-60,371; *Grupo Antolin North America, CAD Department, Auburn Hills, MI: November 6, 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.

None.

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) of the Trade Act have been met.

TA-W-60,302; *BMC Software, Inc., Waltham, MA: October 25, 2005.*

TA-W-60,575; *Storeroom Solutions, Inc., Working Onsite at Tower Automotive, Inc., Granite City, IL: December 11, 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) of the Trade Act have been met.

None.

**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-60,126; *Michelin North America, BF Goodrich Tire Manufacturing, Opelika, AL: September 20, 2005.*

TA-W-60,256; *Eaton Corporation, Clutch Division, Auburn, IN: December 17, 2006.*

TA-W-60,438; *Graphic Electronics, Inc., Tulsa, OK: November 14, 2005.*

TA-W-60,515; *Maytag Corporation, A Wholly Owned Subsidiary of Whirlpool Corporation, Newton, IA: December 24, 2006.*

TA-W-60,527; *Danley IEM, LLC, Cleveland, OH: November 13, 2005.*

TA-W-60,570; *Sanyo Manufacturing Corporation, A Subsidiary of Sanyo Electric, Forrest City, AR: December 8, 2005.*

TA-W-60,446; *Vollrath Company LLC (The), Oconomowoc, WI: November 9, 2005.*

TA-W-60,474; *General Chemical Performance Products, Newark, NJ: November 22, 2005.*

TA-W-60,475; *Deco Engineering, Inc., A Subsidiary of Newcor, Inc., Royal Oak, MI: November 22, 2005.*

TA-W-60,478; *Ford Motor Company, St. Louis Assembly Plant, Vehicle Operations, Hazelwood, MO: November 21, 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-60,387; *Arimon Technologies, Inc., Manitowoc, WI: November 1, 2005.*

TA-W-60,496; *Hill Rom Company, Inc., Batesville Manufacturing Operation, Batesville, IN: November 27, 2005.*

TA-W-60,502; *Superior Industries International, Inc., Johnson City, TN: November 28, 2005.*

TA-W-60,541; *Siemens VDO Automotive Corp., Elkhart, IN: December 4, 2005.*

TA-W-60,561; *Aramark Uniform Services, Lawrenceville, GA: December 7, 2005.*

TA-W-60,584; *Hart and Cooley, Inc., Holland, MI: December 11, 2005.*

TA-W-60,586; *Dyno Nobel, Inc., Wolf Lake, IL: November 21, 2005.*

TA-W-60,629; *General Electric Lighting, Inc., Austintown Products Plant, Youngstown, OH: December 12, 2005.*

TA-W-60,411; *Littelfuse, Inc., Electronic Testing and Packaging Department, Des Plaines, IL: November 9, 2005.*

TA-W-60,569; *Metaladyne, Powertrain Products, Solon, OH: December 5, 2005.*

TA-W-60,580; *Lear Corporation, Electronic Switch Division, Zanesville, OH: November 30, 2005.*

TA-W-60,642; *M.A. Moslow and Brothers, Inc., Buffalo, NY: July 30, 2006.*

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-60,421; *Fisher and Company, Inc., Corporate Offices, St. Clair Shores, MI: October 11, 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 has determined that criterion (1) of Section 246 has not been met. Workers at the firm are 50 years of age or older.

TA-W-60,575; *Storeroom Solutions, Inc., Working Onsite at Tower Automotive, Inc., Granite City, IL.*

TA-W-60,531; *Intelliden, Inc., Colorado Springs, CO.*

TA-W-60,371; *Grupo Antolin North America, CAD Department, Auburn Hills, MI.*

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

TA-W-60,302; *BMC Software, Inc., Waltham, MA.*

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

TA-W-60,560; *Electronic Data Systems, EDS-Xerox Account, Rochester, NY.*

**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.

Because the workers of the firm are not eligible 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-60,436; *Watts Regulator, Carolinas Division, Spindale, NC.*

TA-W-60,458; *Wheeling Pittsburgh Steel Corp., Allentown, PA.*

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-60,542; GreatBatch Hittman, Inc., Columbia, MD.*

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-59,863; Delphi Corporation, Automotive Holdings Group, Moraine, OH.*

*TA-W-60,399; Customized*

*Manufacturing, Inc., McKenzie, TN.*

*TA-W-60,454; Forest City Technologies, Wixom Division, Wixom, MI.*

*TA-W-60,508; Enhanced Presentations, Inc., Wilmington, NC.*

*TA-W-60,464; Key Technology, Inc., Medford Office Division, Medford, OR.*

*TA-W-60,480; Emcor Facilities Services, Inc., On-Site Contracted Workers at Hewlett-Packard Co., Corvallis, OR.*

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-60,507; Washington Mutual Bank, Florence, SC.*

*TA-W-60,517; CDI Corporation, IT Solutions Division, Lexington, KY.*

*TA-W-60,567; Accordis, Inc., Chicago Service Center, A Subsidiary of Zavata, Chicago, IL.*

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 during the period of December 18 through December 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: January 8, 2007.

**Ralph DiBattista,**

*Director, 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 Negative Determination on Remand

On September 25, 2006, the U.S. Court of International Trade (USCIT) granted the U.S. Department of Labor's motion for a voluntary remand in *Former Employees of Joy Technologies, Inc. v. U.S. Secretary of Labor*, Court No. 06-00088. SAR 240.

#### Case History

On August 9, 2005, the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 483, ("Union") filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers and former workers of Joy Technologies, Inc., DBA Joy Mining Machinery, Mt. Vernon Plant, Mt. Vernon, Illinois (the subject facility) producing underground mining machinery (the subject worker group). AR 2.

The Department's negative determination, issued on September 15, 2005, was based on findings that sales and employment at the subject facility increased in 2004 from 2003 levels, that sales remained stable in January through July 2005 over the corresponding 2004 period, and that employment increased during January through July 2005 over the corresponding 2004 period. The denial was also based on the findings of no shift of underground mining machinery production abroad and no increased imports of underground mining machinery during the relevant period. AR 130-135. The Notice of the Department's determination was published in the **Federal Register** on October 31, 2005 (70 FR 62345). AR 142.

On November 3, 2005, workers requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. In the request for

reconsideration, the workers asserted that the Department's interpretation of the reasons for the plant closure and the activities of the subject workers was erroneous. According to the workers, production and employment increased at the subject facility from 2003 to 2004 due to a "Contract Agreement" between the subject firm and the Union and that "the worker group at Joy, Mt. Vernon, IL has been an upstream supplier to the Joy Mining Machinery facility located in Franklin, PA. [p]roducing various components used in the final assembly of the firms products" and that in "2004, the worker group \* \* \* resumed being an upstream supplier of component parts \* \* \* to be used in final production or to be sold as new replacement components to Joy Mining Machinery customers." The workers allege that "[t]hese components are being produced in a foreign country (Mexico)." AR 145-147.

In support of the allegation, the workers provided the Department with a copy of a November 17, 2005 electronic message from a Joy official to the Union which confirmed that the Joy, Mt. Vernon, Illinois facility supplied components for Joy, Franklin, Pennsylvania, AR 159, and stated that "three sets of track frames that were fabricated in Mexico were finished in the Mt. Vernon machine and weld shops." AR 160.

On November 16, 2005, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Notice of affirmative determination was published in the **Federal Register** on December 15, 2005 (70 FR 74373). During the reconsideration investigation, the Union informed the Department that it is not involved with the request for reconsideration and directed the Department to speak with the workers. AR 149.

According to workers Jerome Tobin and John Moore, the subject facility is an upstream supplier to the Joy plant in Franklin, Pennsylvania; the Franklin, Pennsylvania facility outsourced production to Mexico; the component parts made at the subject facility were outsourced to Mexico, and the components were sent to Joy, Eagle Pass, Texas. *Id.* During a conference call, the workers also stated that they would file a new petition as secondarily-affected workers. *Id.* In a later conference call, Jerome Tobin, John Moore, and Steve Lisenbey, stated that Joy had outsourced production to Extreme Machine. *Id.*

During the reconsideration investigation, the Department found that