

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-60,832]

**Lear Corporation, Madisonville, KY;  
Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 25, 2007 in response to a worker petition filed on behalf of workers of Lear Corporation, Madisonville, Kentucky.

This petition is a photocopy of the petition filed on January 16, 2007, that is the subject of an ongoing investigation for which a determination has not yet been issued (TA-W-60,764).

Since this petition was initiated in error, the investigation has been terminated.

Signed at Washington, DC this 29th day of January 2007.

**Linda G. Poole,***Certifying Officer, Division of Trade  
Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-60,739]

**Mega Brands, Rose Art Industries,  
LLC, Wood-Ridge, NJ; Notice of  
Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 11, 2006, in response to a petition filed on behalf of workers of Mega Brands, Rose Art Industries, Wood-Ridge, New Jersey.

This worker group is covered by an existing certification. Workers of Rose Art Industries, LLC, which is a subsidiary of Mega Brands, Wood-Ridge, New Jersey, were certified eligible to apply for adjustment assistance on January 29, 2007, under petition number TA-W-60,319. Consequently, further investigation would serve no purpose and the investigation is terminated.

Signed at Washington, DC, this 30th day of January 2007.

**Linda G. Poole,***Certifying Officer, Division 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 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 January 15 through January 19, 2007.

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 of 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.

*None.*

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-60,305; Steven Labels, Inc., Main Plant, Santa Fe Springs, CA: October 16, 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) of the Trade Act have been met.

*None.*

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-60,449; Cambridge Lee Industries, LLC, Plant #2 and Plant #3 and Workers of Gage Personnel, Reading, PA: November 9, 2005.*

*TA-W-60,449A; Cambridge Lee Industries, LLC, Corporate Office, Reading, PA: November 9, 2005.*

*TA-W-60,644; ISM Fastening Systems, Butler, PA: May 6, 2006.*

*TA-W-60,658; Victor Mill, Inc., Greenville, SC: December 14, 2005.*

*TA-W-60,748; Eljer, Inc., Ford City, PA: October 5, 2006.*

*TA-W-60,407; J.L. French Automotive Castings, Inc., Benton Harbor, MI: November 7, 2005.*

*TA-W-60,568; Fiberweb, Inc., Bethune, SC: December 8, 2005.*

*TA-W-60,633; Alexvale Furniture Co., Plant Offices, Taylorsville, NC: December 15, 2005.*

*TA-W-60,648; Potlatch Forest Products Corp., Prescott, AR: December 19, 2005.*

*TA-W-60,652; Celestica, Fulfillment Services Division, Charlotte, NC: December 19, 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-60,598; Checkpoint Caribbean Limited, Ponce, PR: December 13, 2005.*

*TA-W-60,603; Wetherill Associates, Inc., Royersford, PA: December 7, 2005.*

*TA-W-60,619; Alcan Packaging, Inc., Lincoln Park, NJ: December 1, 2005.*

*TA-W-60,628; Quadra Fab Corporation, Plattsburgh, NY: December 15, 2005.*

*TA-W-60,646; Hollister, Inc., Kirksville Manufacturing Facility, Kirksville, MO: February 12, 2006.*

*TA-W-60,686; Simonds Industries, Inc., File Division, Newcomerstown, OH: December 28, 2005.*

*TA-W-60,688; Lego Systems, Inc., On-Site Workers From Staff Management, Enfield, CT: January 2, 2006.*

*TA-W-60,735; Waterloo Industries, Inc., Pocahontas, AR: January 9, 2006.*

*TA-W-60,583; Pulaski Furniture Corporation, Plant 1, Pulaski, VA: December 12, 2005.*

*TA-W-60,583A; Pulaski Furniture Corporation, Administration Office, Pulaski, VA: December 12, 2005.*

*TA-W-60,671; Dura Automotive Systems, Inc., Atwood Mobile Products, West Union, IA: December 21, 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-60,582; Harodite Industries, Inc., Southern Division, Travelers Rest, SC: 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) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA-W-60,476; Ultraflex, Division of Hickory Springs Mfg., High Point, NC: November 22, 2005.*

#### **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.

*None.*

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-60,305; Steven Labels, Inc., Main Plant, Santa Fe Springs, CA.*

The Department has 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.

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-60,618; Lockheed Martin MS2, Surface Systems Division, Moorestown, NJ.*

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-60,624; R and A Tool and Engineering, Westland, MI.*

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-60,305A; Steven Labels, Inc., Membrane Plant, Santa Fe Springs, CA.*

*TA-W-60,305B; Steven Labels, Inc., Roll Label Plant, Santa Fe Springs, CA.*

*TA-W-60,499; Eaton Corporation, Engine Air Management Operations, Belmond, IA.*

*TA-W-60,683; Chesmore Seed Company, St. Joseph, MO.*

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-60,488; *Tellabs, Inc., Customer Distribution Center, Petaluma, CA.*  
TA-W-60,698; *Commonwealth Sprague Capacitor, Inc., North Adams, MA.*  
TA-W-60,447; *Honeywell International, Inc., Aerospace Information Technology Function, Phoenix, AZ.*

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 January 15 through January 19, 2007. 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 26, 2007.

**Ralph Dibattista,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,495]

#### **Tesco Technologies, LLC, Headquarters Office, Auburn Hills, MI; Notice of Revised Determination on Second Remand**

On November 9, 2006, the United States Court of International Trade (USCIT) remanded *Former Employees of Tesco Technologies, LLC v. United States* (Court No. 05-00264) to the Department of Labor (Department) for further investigation.

In the August 19, 2004, Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) petition, three workers identified Tesco Engineering as the subject company and the article produced as "designs for tooling and production lines for General Motors automotive assembly plants." The

petitioners alleged that Tesco Engineering was shifting production to a foreign country.

During the investigation, it was revealed that Tesco Engineering manufactured equipment, while workers at Tesco Technologies, LLC ("Tesco Technologies"), a subsidiary of Tesco Engineering, created mechanical designs used to build equipment for automotive part production. Since the petitioners created designs and did not produce equipment, the Department identified Tesco Technologies as the proper subject company.

Because the Department considered design creation not to be production, the Department concluded that the designers of Tesco Technologies could be certified only if they supported an affiliated, TAA-certifiable, domestic, production facility. Although Tesco Technologies' designs accounted for an insignificant portion of the equipment produced at Tesco Engineering, the Department nonetheless fully investigated whether, during the relevant period, there were increased imports of production/assembly equipment or a shift of production from Tesco Engineering to an overseas facility.

The expanded investigation revealed that Tesco Engineering neither shifted production to a foreign country nor imported any equipment during the relevant period. Further, a survey of Tesco Engineering's major declining customers revealed that, during the relevant period, no customer increased its import purchases while decreasing its purchases from the subject firm.

On September 27, 2004, the Department issued a denial regarding workers' eligibility to apply for TAA and ATAA for workers of Tesco Technologies, LLC, Headquarters Office, Auburn Hills, Michigan. The determination was based on the findings that there was neither an increase in imports of equipment by Tesco Engineering or its major declining customers, nor a shift of production overseas by Tesco Engineering. The Department published the Notice of determination in the **Federal Register** on October 26, 2004 (69 FR 62460).

By application dated October 22, 2004, the petitioner requested administrative reconsideration of the Department's determination. On December 7, 2004, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration due to factual discrepancies identified during the review of the request and of previously-submitted documents. The Department's Notice was published in the **Federal**

**Register** on December 20, 2004 (69 FR 76017).

In the request for reconsideration, the petitioner identified the subject company as "Tesco Technologies, LLC, Auburn Hills, Michigan" and asserted that "we the petitioners are connected to General Motors tooling only," reiterated that designs are a product, and inferred that designers are de facto production workers producing automobile parts for General Motors. The petitioner also implied that the subject company's major customer, General Motors, had outsourced work to India.

During the reconsideration investigation, the Department contacted a Tesco Technologies official, the General Motors officials identified by the petitioner, and the General Motors official who supervised the design contract at issue.

During the reconsideration investigation, the Department confirmed that the petitioners used application software to develop tooling designs which were used to build equipment for the production of automobile parts for General Motors; the designs are developed at Tesco Technologies, Auburn Hills, Michigan and sent to the customer via electronic means (such as the Internet) and tangible means (such as CD-ROM); and General Motors did not outsource work overseas but awarded the work to another domestic company and moved some design work in-house.

On January 11, 2005, the Department issued a Notice of Negative Determination Regarding Application for Reconsideration which stated there was neither a shift of production abroad by Tesco Technologies nor any outsourcing of design work overseas by General Motors. The Department's Notice was published in the **Federal Register** on January 21, 2005 (70 FR 3228).

By letter dated February 8, 2005, the petitioners appealed to the USCIT for judicial review. On May 25, 2005, the USCIT granted the Department's motion for voluntary remand to clarify the Department's basis for the negative determination on reconsideration and to request additional information in the Department's efforts to clarify the reasons for the previous determinations.

In the request for judicial review, the petitioners alleged that engineers were brought in from India to train at Tesco Technologies; later, the engineers were sent back to India to a General Motors facility; and "work is sent over to India via satellite in the evening and sent back for check and inspection in the