

Remand Investigation

The group eligibility requirements for directly-impacted (primary) workers under Section 222(a) the Trade Act of 1974, as amended, can be satisfied in either one of two ways:

(A)(1) 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; and (2) the sales or production, or both, of such firm or subdivision have decreased absolutely; and (3) 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

(B)(1) 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, and (2) 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.

Further, 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, or
2. the country to which the workers' firm has shifted production of the articles is 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.

Because the subject firm shut down, AR 21, the Department determines that a significant number or proportion of workers at the subject firm have become totally separated and that the sales or production of the subject firm decreased absolutely.

In order for criterion (A)(3) to be satisfied, it must be shown that increased imports of plastic bottles during the relevant period "contributed importantly" to the workers' separations and subject firm sales and/or production declines.

Per 29 CFR 90.2, "increased imports" means that imports have increased, absolutely or relative to domestic production, compared to a representative base period. The regulation also establishes the representative base period as the one-year period proceeding the relevant period (the twelve-month period prior to the date of the petition).

Because subject firm sales and production increased in 2005 from 2004 levels, there were no apparent sales and/or production declines during the relevant period. Rather, subject firm's sales and production declines occurred after the relevant period. Therefore, there were no sales or production declines at the subject firm to which increased imports could have contributed importantly.

Assuming, however, that there were subject firm sales and/or production declines during the relevant period, the Department conducted a survey of the subject firm's major declining customers regarding their import purchases of plastic bottles. SAR 50-51, 189-199, 207-221, 226-227. None of the respondents reported increased imports, either direct or indirect, of plastic bottles or articles like or directly competitive with plastic bottles during the relevant period. SAR 49-50, 207, 215-216, 219-220, 226-227, 233.

Further, the subject firm did not have any imports of plastic bottles during the relevant period. AR 43.

During the remand investigation, Alcan explained that the subject firm's sudden closure (sales and production increased in 2005 from 2004 levels and the plant closure was announced in November 2005, AR 72) was the result of the loss of two major contracts. SAR 49, 71-72, 74-75. When the Department contacted the two "lost" customers, the Department was informed by both customers that the contracts were not "lost" because of any import factors and that the contracts were awarded to other domestic vendors. SAR 52, 216, 226-227.

Given the above-stated reasons, the Department determines that TAA criterion (A)(3) has not been met.

The Department affirms that a shift of production to Puerto Rico is not considered a shift of production abroad, for purposes of the Trade Act, because it is a U.S. Territory. Therefore, a shift of production to Puerto Rico cannot be a basis for satisfaction of TAA criterion (B)(2).

In response to Plaintiff's allegation that subject firm production shifted abroad, the Department requested that Alcan identify those domestic facilities to which subject firm production shifted

and explain the documents which indicate that machines were shipped to Brazil and Australia. SAR 49, 52-71.

Alcan stated that subject firm production was either discontinued or shifted to Alcan production facilities in Des Plaines, Illinois or Youngsville, North Carolina, SAR 73, 228. Alcan also stated that the machines identified by Plaintiff were surplus equipment, SAR 49, 71; that the surplus equipment sent to Alcan's Brazilian facility was used to produce articles for the Brazilian market, SAR 49, 71; and that the surplus equipment sent to Australia was sold to third-party vendors only. SAR 71.

Given the above-stated reasons, the Department determines that TAA criterion (B)(2) has not been met.

In addition, in accordance with Section 246 of the Trade Act of 1974, as amended, the Department herein presents the results of its investigation regarding certification of eligibility to apply for ATAA.

In order to apply the Department to issue a certification of eligibility to apply for ATAA, the subject worker group must be certified eligible to apply for TAA. Since the workers are denied eligibility to apply for TAA, they cannot be certified eligible to apply for ATAA.

Conclusion

After careful review of the findings of the remand investigation, I affirm the notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Alcan Global Pharmaceutical Packaging, Inc., Plastics Americas Division, Centralia, Illinois.

Signed at Washington, DC this 19th day of March 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-5843 Filed 3-29-07; 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 and Alternative Trade 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 April 9, 2007.

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 April 9, 2007.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 20th day of March 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX—TAAPPETITIONS INSTITUTED BETWEEN 3/12/07 AND 3/16/07

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
61089	Commercial Vehicle Group a/k/a Trim Systems (Comp)	Vancouver, WA	03/12/07	03/09/07
61090	Easton Sports Inc (State)	Van Nuys, CA	03/12/07	03/09/07
61091	Esselte Corporation (Comp)	Kankakee, IL	03/12/07	03/09/07
61092	Hillerich and Bradsby Company (Wkrs)	Loomis, CA	03/12/07	03/08/07
61093	Collins and Aikman (UAW)	Morristown, IN	03/12/07	03/01/07
61094	Pine River Plastics (Comp)	St. Clair, MI	03/12/07	03/09/07
61095	Freightliner PMP (Wkrs)	Gastonia, NC	03/12/07	03/07/07
61096	Portac, Inc (UNION)	Tacoma, WA	03/12/07	03/06/07
61097	Fleetwood Travel Trailers (Wkrs)	Longview, TX	03/12/07	03/07/07
61098	Indera Mills Company (Comp)	Yadkinville, NC	03/12/07	03/12/07
61099	Wright's Hosiery (Comp)	Fort Payne, AL	03/12/07	03/12/07
61100	Performance Sports Apparel (Wkrs)	Reading, PA	03/13/07	03/12/07
61101	Ameridrives International (UNION)	Erie, PA	03/13/07	03/02/07
61102	Springs Global (Comp)	Hartwell, GA	03/13/07	03/12/07
61103	Delbar Products Inc (IAM)	Perkasie, PA	03/13/07	03/12/07
61104	Bay State Circuits Inc. (Comp)	Millbury, MA	03/13/07	03/12/07
61105	Kidde Fenwal (Comp)	Ashland, MA	03/13/07	03/12/07
61106	Hoke Inc (Comp)	Berlin, CT	03/13/07	03/07/07
61107	Boise Cascade LLC (UNION)	Vancouver, WA	03/13/07	03/12/07
61108	Fleetwood Travel Trailers (State)	Williamsport, MD	03/13/07	03/13/07
61109	Laufen International Inc/U.S. Ceramic Tile Company (Comp)	Canton, OH	03/14/07	03/14/07
61110	DENT Manufacturing (GMP)	Northampton, PA	03/14/07	03/11/07
61111	Bodine Electric Company (Comp)	Peosta, IA	03/15/07	03/14/07
61112	Modine Manufacturing Company (Union)	Clinton, TN	03/15/07	03/13/07
61113	Jabil (Comp)	St. Petersburg, FL	03/15/07	03/13/07
61114	Vestal Manufacturing Enterprises, Inc. (Union)	Sweetwater, TN	03/15/07	03/14/07
61115	Hoke, Inc (State)	Berlin, CT	03/15/07	03/14/07
61116	Alsons Coproration (Comp)	Hillsdale, MI	03/15/07	03/15/07
61117	Hanes Brands (Wkrs)	Rockingham, NC	03/15/07	02/28/07
61118	Progressive Service Die Company (Comp)	New Kingstown, PA	03/15/07	03/15/07
61119	Northcutt Woodworks, L.P. (Comp)	Crockett, TX	03/15/07	03/13/07
61120	ConAgra Foods (Union)	King City, CA	03/16/07	03/14/07
61121	Ardel, Inc (Wkrs)	Shelby, NC	03/16/07	03/15/07
61122	Snap-on Tools (Union)	Johnson City, TN	03/16/07	03/15/07
61123	A.O. Smith Electrical Products Company (Comp)	McMinnville, TN	03/16/07	03/01/07
61124	Topflite Golf Co (The) (IBB)	Chicopee, MA	03/16/07	03/14/07
61125	Jones NY Apparel Group Inc (Wkrs)	New York, NY	03/16/07	03/04/07
61126	U.S. Axle, Inc. (Comp)	Pottstown, PA	03/16/07	03/05/07
61127	ICT (Comp)	Calvert City, KY	03/16/07	03/15/07
61128	Kvaerner Willfab (IUE)	Williamsport, PA	03/16/07	03/15/07
61129	Romar Textile Co Inc (Comp)	Wampum, PA	03/16/07	03/13/07
61130	Bauhaus USA Inc (Comp)	Iuka, MS	03/16/07	03/15/07
61131	Excel Technical Services (Wkrs)	Fishers, IN	03/16/07	03/15/07

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-60,566]

E*Trade Mortgage Corporation; Including Leased Workers From Manpower and Radian; Coraopolis, PA; 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 E*Trade Mortgage Corporation, including leased workers from Manpower and Radian, Coraopolis, Pennsylvania. 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, dismissal of the application was issued.

TA-W-60,566; E *Trade Mortgage Corporation Including Leased Workers From Manpower and Radian, Coraopolis, Pennsylvania (March 15, 2007).

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

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-5846 Filed 3-29-07; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,048]

Emerson Network Power, Formerly Artesyn Communication Products, Madison, WI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 1, 2007 in response to a petition filed by a company official on behalf of workers of Emerson Network Power, formerly Artesyn Communications Products, Madison, Wisconsin.

The petitioner has requested that this petition be withdrawn. Consequently, further investigation in this case would

serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 16th day of March, 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-5849 Filed 3-29-07; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-59,368]

Formica Corporation; Wildon Industries, Inc.; Rocklin, CA; 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 May 17, 2006, applicable to workers of Formica Corporation, Rocklin, California. The notice was published in the **Federal Register** on June 9, 2006 (71 FR 33488).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of high pressure laminates.

New information shows that during 2004, workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for a subsidiary company, Wildon Industries, Inc.

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 Formica Corporation who were adversely affected by increased company imports.

The amended notice applicable to TA-W-59,368 is hereby issued as follows:

"All workers of Formica Corporation, Wildon Industries, Inc., Rocklin, California, who became totally or partially separated from employment on or after May 9, 2005, through May 17, 2008, 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."

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-5844 Filed 3-29-07; 8:45 am]

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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 March 12 through March 16, 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