

## APPENDIX—Continued

[TAA petitions instituted between 1/22/08 and 1/25/08]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
62711	Carrollton Specialty Products (Wrks)	Carrollton, MO	01/22/08	01/17/08
62712	Emerson Motor Co/Hurst Manufacturing (Comp)	Princeton, IN	01/22/08	01/21/08
62713	NGT Controls, Inc. (State)	Irvine, CA	01/22/08	01/18/08
62714	F.W. Rickard Seeds (Wrks)	Winchester, KY	01/22/08	01/21/08
62715	Formica Corporation (Comp)	Odenton, MD	01/22/08	01/17/08
62716	Lunt Manufacturing Co., Inc. (Comp)	Hampshire, IL	01/23/08	01/18/08
62717	EGS Electrical Group (TLC)	Celina, TN	01/23/08	01/22/08
62718	Fraser Timber Limited (Comp)	Ashland, ME	01/23/08	01/19/08
62719	OSRAM Sylvania (IAMAW)	Warren, PA	01/23/08	01/22/08
62720	Pfizer Company (Wrks)	Portage, MI	01/23/08	01/22/08
62721	Kirby Lester, LLC (State)	Stamford, CT	01/23/08	01/22/08
62722	Benson Manufacturing, Inc. (Wrks)	Mineral Wells, WV	01/23/08	01/03/08
62723	Chestertown Foods, Inc. (State)	Chestertown, MD	01/23/08	01/07/08
62724	Keola Precision Technology, Inc. (State)	Fremont, CA	01/23/08	01/14/08
62725	Elmet Technologies (State)	Lewiston, ME	01/23/08	01/22/08
62726	Metaldyne (Wrks)	Farmington Hills, MI	01/23/08	01/17/08
62727	KAM Plastics, Inc. (State)	Holland, MI	01/23/08	01/22/08
62728	Haldex Brake Products Corporation (Comp)	Prattville, AL	01/24/08	01/23/08
62729	McComb Mill Manufacturing Company, Inc. (Comp)	McComb, MS	01/24/08	01/22/08
62730	Bartech Group (workers assigned to Delphi) (Wrks)	Oak Creek, WI	01/24/08	01/18/08
62731	Lufkin Industries, Inc. (Comp)	Lufkin, TX	01/24/08	01/16/08
62732	Tall, Inc. (Rep)	Miami, FL	01/24/08	01/18/08
62733	Ravenna Aluminum, Inc. (Comp)	Ravenna, OH	01/24/08	12/28/07
62734	Imerys Kaolin (USWA)	Dry Branch, GA	01/24/08	01/21/08
62735	GKN Driveline North America, Inc. (Comp)	Sanford, NC	01/25/08	01/24/08
62736	Meade Instruments Corporation (State)	Irvine, CA	01/25/08	01/24/08
62737	Cherry Electrical Products (Rep)	Pleasant Prairie, WI	01/25/08	01/22/08
62738	Siemens Medical Solutions USA, Inc. (Comp)	Mountain View, CA	01/25/08	01/23/08
62739	Plymouth Rubber Co. LLC (Comp)	Canton, MA	01/25/08	01/24/08
62740	Tail, Inc. (Rep)	Miami, FL	01/25/08	01/18/08
62741	Corel (Wrks)	Eden Prairie, MN	01/25/08	01/22/08
62742	Edge Builder Wall Panels, Inc./Norse Division (Wrks)	Oakdale, MN	01/25/08	01/11/08
62743	Hearthstone Enterprises, Inc./dba Charleston Forge (Comp)	Boone, NC	01/25/08	01/24/08
62744	Epitex Group (State)	Southfield, MI	01/25/08	01/15/08
62745	Fourth Generation Services, Inc. (State)	Troy, MI	01/25/08	01/15/08

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

[TA-W-62,101]

**American Woodmark, Hardy County Plant, Moorefield, WV; Notice of Negative Determination on Reconsideration**

On November 30, 2007, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 11, 2007 (72 FR 70344).

The initial investigation resulted in a negative determination based on the finding that imports of kitchen cabinet parts did not contribute importantly to worker separations at the subject firm

and no shift of production to a foreign source occurred. The investigation also revealed that the products manufactured at the subject firm are sent to other affiliated facilities for further finishing and assembly.

The Carpenters Industrial Council, United Brotherhood of Carpenters and Joiners of America filed a request for reconsideration in which they contend that the workers of the subject firm build and assemble the finished products, which does not require further manufacturing and are sold to customers. The petitioner also requested that the Department of Labor investigate whether there was an increase in imports of articles like or directly competitive with products manufactured at the subject firm.

The Department contacted a company official to verify products manufactured at the subject firm and whether the subject firm had any outside customers. During reconsideration, the company official provided new information and confirmed that the subject firm manufactures kitchen cabinet parts and

hardwood cabinets which are sold to outside customers. The official also supplied the Department with a list of major declining customers who purchased hardwood cabinets from the subject firm.

The Department of Labor surveyed the major declining customers of the subject firm regarding their purchases of like or directly competitive products with hardwood cabinets purchased from the subject firm in 2005, 2006, and during January through September 2007 over the corresponding 2006 period. The survey revealed that the customers did not increase their import purchases while decreasing purchases from the subject firm.

The subject firm did not import hardwood cabinets nor was there a shift in production from subject firm abroad during the relevant period.

**Conclusion**

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for

workers and former workers of American Woodmark, Hardy County Plant, Moorefield, West Virginia.

Signed at Washington, DC, this 29th day of January, 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,189]

#### **Diaz Intermediates Corporation, West Memphis, AR; Notice of Negative Determination Regarding Application for Reconsideration**

By letter dated December 28, 2007, a company official requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm. The denial notice was signed on November 28, 2007 and published in the **Federal Register** on December 11, 2007 (72 FR 70346).

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 which was based on the finding that imports of brominated chemical intermediates (i.e. bromobenzene, m-bromoanisole, n-propyl bromide, and other organics) did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining customers. The survey revealed customers did not purchase imported brominated chemical intermediates during the relevant period. The subject firm did not import brominated chemical intermediates and no shifted in production of brominated

chemical intermediates to a foreign country occurred.

The petitioner stated that most of the subject firm's sales were for export, however, there were losses in sales to domestic customers. The petitioner provided the name of a customer which ceased purchases from the subject firm in 2005 and at the same time started importing products like or directly competitive with brominated chemical intermediates produced by the subject firm.

When assessing eligibility for Trade Adjustment Assistance (TAA), the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). The Department surveyed customers of the subject firm regarding their purchases of brominated chemical intermediates during the relevant period. The survey revealed no imports of brominated chemical intermediates during the relevant period.

#### **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 30th day of January 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,207]

#### **Diaz Intermediates Corporation, Brockport, NY; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated December 28, 2007, a company official 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 November 28, 2007 and published in the **Federal Register** on December 11, 2007 (72 FR 70346).

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 investigation revealed that workers of the subject firm were in support of production of brominated chemical intermediates at Diaz Intermediates Corporation, West Memphis, Arkansas. The initial investigation resulted in a negative determination which was based on the finding that imports of brominated chemical intermediates (i.e., bromobenzene, m-bromoanisole, n-propyl bromide, and other organics) did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining customers. The survey revealed customers did not purchase imports of brominated chemical intermediates during the relevant period. The subject firm did not import brominated chemical intermediates and no shifted in production of brominated chemical intermediates to a foreign country occurred.

The petitioner stated that most of the subject firm's sales were for export, and that there were losses in sales to domestic customers. The petitioner provided the name of a customer which ceased purchases from the subject firm in 2005 and at the same time started importing products like or directly competitive with brominated chemical intermediates produced by the subject firm.

When assessing eligibility for TAA, the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). The Department surveyed customers of the subject firm regarding their purchases of brominated chemical intermediates during the relevant period. The survey revealed no imports of brominated chemical intermediates during the relevant period.

#### **Conclusion**

After review of the application and investigative findings, I conclude that