

is the approach that should be utilized.”); *United States v. Hid-Ant. Dairyman, Inc.*, 1977–1 Trade Cas. (CCH) § 61,508; at 71,980 (W.D. Mo. 1977) (“Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should ... carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances”).

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: February 19, 2008.

Respectfully submitted,

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-62,630]

Link Technologies, LLC; Brown City, MI; Notice of Affirmative Determination Regarding Application for Reconsideration

By applications dated March 3, 2008, a company official requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers and former workers of the subject firm. The denial notice was signed on January 29, 2008, and published in the **Federal Register** on February 13, 2008 (73 FR 8370).

The initial investigation resulted in a negative determination based on the finding that imports of interior trim automotive components and subassemblies did not contribute importantly to worker separations at the

subject firm and no shift of production to a foreign source occurred.

In the request for reconsideration, the petitioner provided additional information regarding the subject firm customers.

The Department has carefully reviewed the requests for reconsideration and the existing record and determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the applications, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed in Washington, DC, this 11th day of March, 2008.

Elliott S. Kushner,

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 *March 3 through March 7, 2008.*

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-62,582; *Smurfit Stone, El Paso, TX: December 11, 2006.*

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.

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-62,739; *Plymouth Rubber Co. LLC, Canton, MA: February 22, 2008.*

TA-W-62,765; *Unisys Corp., Payment Systems Division, Plymouth, MI: January 29, 2007.*

TA-W-62,776; *Tree Top, Inc., Cashmere Plant, On-Site Workers From Labor Ready, Cashmere, WA: January 29, 2007.*

TA-W-62,844; *St. George Crystal Limited, On-Site Leased Workers From Carol Harris Staffing, Jeannette, PA: February 12, 2007.*

TA-W-62,935; *WestPoint Home, Inc., Bed Division, Biddeford, ME: December 6, 2007.*

TA-W-62,619; *OEM/Erie, Inc., On-Site Leased Worker From Career Concepts Staffing Services, Erie, PA: December 13, 2006.*

TA-W-62,717; *EGS Electrical Group, Sola/Hevi Duty Division, Celina, TN: January 22, 2007.*

TA-W-62,729; *McComb Mill Manufacturing Company, Inc., McComb, MS: January 22, 2007.*

TA-W-62,826; *Sights Denim Systems, Inc., Henderson, KY: February 11, 2007.*

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-62,763; *Joseph T. Ryerson and Son, Inc., A Subsidiary of Ryerson, Inc., Brite Line Plant, Chicago, IL: January 28, 2007.*

TA-W-62,795; *McNeil-PPC, Inc., McNeil Consumer, ABM Clean, Canteen, Cintas, etc., Lititz, PA: February 1, 2007.*

TA-W-62,820; *Huntsman International, LLC, Textile Effects Division, High Point, NC: February 5, 2007.*

TA-W-62,831; *Gaming Partners International USA, A Subsidiary of Gaming Partners International Corp., Las Vegas, NV: February 8, 2007.*

TA-W-62,877; *Rayloc Division, A Subsidiary of Genuine Parts Company, Hancock, MD: February 7, 2007.*

TA-W-62,878; *Murata Power Solutions, Formerly Known as C and D Technologies, Inc., Tucson, AZ: February 19, 2007.*

TA-W-62,884; *Hart and Cooley, Inc., A Subsidiary of Tomkins PLC, On-Site*

Leased Workers From West Staff, Tucson, AZ: February 21, 2007.

TA-W-62,903; *Perry Manufacturing Company, Mount Airy, NC: February 14, 2007.*

TA-W-62,906; *Von Weise, Inc., Nappanee, IN: February 25, 2007.*

TA-W-62,741; *Corel, Inc., Eden Prairie, MN: January 22, 2007.*

TA-W-62,747; *RM Acquisition, LLC, d/b/a Rand McNally, Irvine, CA: January 25, 2007.*

TA-W-62,748; *Panasonic Primary Battery Corporation of America, Columbus, GA: January 25, 2007.*

TA-W-62,788; *Amity/Rolfs, Inc., Subsidiary of Tandy Brands Accessories, Inc., West Bend, WI: January 31, 2007.*

TA-W-62,836; *A. T. Cross Company, Qualified Resources, Lincoln, RI: March 11, 2008.*

TA-W-62,883; *Alcatel-Lucent, Inc., Lucent Technologies Div., Columbus, OH: April 18, 2007.*

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-62,772; *Ramtex Yarns and Fabrics, LLC, Defender Services, Ramseur, NC: March 14, 2008.*

TA-W-62,810; *BioTech Industries, LLC, Newton, NC: February 6, 2007.*

TA-W-62,874; *Fine Pitch Technologies, Inc., A Division of Solectron, On-Site Leased Workers of Aerotech, Wilmington, MA: February 20, 2007.*

TA-W-62,900; *Ibiden Circuits of America, Manpower, Elgin, IL: February 22, 2007.*

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. The firm does not have a significant number of workers 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-62,582; Smurfit Stone, El Paso, TX.

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.

None.

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-62,721; Kirby Lester, LLC, Stamford, CT.

TA-W-62,858; Household Utilities, Inc., Kiel, WI.

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-62,637; Arcelor Mittal USA Weirton, Inc., Division of Arcelor Mittal USA, Inc., Weirton, WV.

TA-W-62,674; Fiber Yarns and Fillers, Inc., Philadelphia, PA.

TA-W-62,702; Merix Corporation, On-Site Leased Workers From Kelly Services, Wood Village, OR.

TA-W-62,742; Edgebuilder Wall Panels, Inc., Formerly Norse Building Systems, Ladysmith, WI.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-62,921; Advance America, Reading, PA.

The investigation revealed that criteria of Section 222(b)(2) have 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 March 3 through March 7, 2008. 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: March 11, 2008.

Ralph DiBattista,
Director, Division of Trade Adjustment Assistance.

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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 March 31, 2008.

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 March 31, 2008.

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 12th day of March 2008.

Ralph DiBattista,
Director, Division of Trade Adjustment Assistance.

APPENDIX—48 TAA PETITIONS INSTITUTED BETWEEN 3/3/08 AND 3/7/08

TA-W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
62928	SAS Shoemakers (State)	Pittsfield, ME	03/03/08	02/15/08
62929	EMS Springhill—Delphi Plant (Comp)	Columbia, TN	03/03/08	02/20/08
62930	ACE Style Intimate Apparel, Inc. (Wkrs)	New York, NY	03/03/08	02/19/08
62931	Laser Tek Industries, Inc. (Comp)	Richmond, IL	03/03/08	02/29/08
62932	Keeper Corporation (State)	North Windham, CT	03/03/08	02/28/08
62933	Gordon Garment (Comp)	Bristol, VA	03/03/08	02/28/08
62934	Steel Craft Industries, LLC (Comp)	Miami, OK	03/03/08	02/29/08
62935	WestPoint Home, Inc. (Comp)	Biddeford, ME	03/03/08	02/29/08
62936	Bradford Dyeing Association, Inc. (Comp)	Bradford, RI	03/03/08	02/28/08
62937	Fulflex Elastomers Worldwide (Comp)	Greeneville, TN	03/03/08	02/28/08
62938	Alcatel-Lucent (Comp)	North Andover, MA	03/03/08	02/28/08
62939	Johnson Rubber Company (Union)	North Baltimore, OH	03/03/08	03/01/08
62940	Two Star Dog, Inc. (State)	Berkeley, CA	03/04/08	02/05/08
62941	PMI/Diversco (State)	Duluth, GA	03/04/08	03/03/08
62942	Hi Specialty America (Comp)	Irwin, PA	03/04/08	02/29/08
62943	Bekaert Corporation (IUECWA)	Rome, GA	03/04/08	02/27/08