

*None*

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-64,712; *Claymore Electronics, Lawrenceville, GA*

TA-W-64,724A; *Pac Sci Motion Control, Inc., Pac Sci Motor 3, Danaher Motion Division, Rockford, IL*

TA-W-64,819; *Teck-Washington, Inc., Pend Oreille Mine, Teck-American, Inc., Metaline Falls, WA*

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-64,769; *True Temper Sports, Amory, MS*

TA-W-64,874; *Greenwell Chisholm Printing, Inc., Owensboro, KY*

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-64,281; *International Paper, Container The Americas Division, Warren, MI*

TA-W-64,624; *Shaw Industries Group, Fibers Division, Anderson, SC*

TA-W-64,630; *Dexter Axle, Tomkins Industries, North Manchester, IN*

TA-W-64,671; *Ermico Enterprises, Inc., San Francisco, CA*

TA-W-64,672; *Alcan Packaging, Glass Tubing—Syracuse Division, Syracuse, NE*

TA-W-64,709; *SAFAS Corporation, GCP Division, New Castle, PA*

TA-W-64,796; *Tracy Evans Ltd, New York, NY*

TA-W-64,431; *Alyeska Pipeline Service Company, Anchorage, AK*

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

TA-W-64,937; *Kellwood Company, Rutherford, TN*

TA-W-64,788; *Regal Manufacturing Co., Inc., Hickory, NC*

TA-W-64,850; *NCO Financial Systems, Horsham, PA*

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 26 through January 30, 2009. Copies of these determinations are available for inspection in Room N-5428, 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: February 12, 2009.

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

[FR Doc. E9-3725 Filed 2-20-09; 8:45 am]  
**BILLING CODE 4510-FN-P**

**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 5, 2009.

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 5, 2009.

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 N-5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 13th day of February 2009.

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

**APPENDIX—TAA PETITIONS INSTITUTED BETWEEN 1/26/09 AND 1/30/09**

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
64984	Gulistan Carpet (Comp)	Turnersburg, NC	01/26/09	01/23/09
64985	JCIM, LLC (UAW)	Wauseon, OH	01/26/09	01/22/09
64986	Dana Corporation (Wkrs)	Owensboro, KY	01/26/09	01/15/09
64987	Veyance Technologies, Inc. (State)	Lincoln, NE	01/26/09	01/23/09
64988	Source Northwest, Inc. (Comp)	Woodinville, WA	01/26/09	01/22/09
64989	Carter Furniture of Salisbury (Comp)	Salisbury, NC	01/26/09	01/15/09
64990	LexisNexis (Wkrs)	Colorado Springs, CO	01/26/09	01/22/09

## APPENDIX—TAA PETITIONS INSTITUTED BETWEEN 1/26/09 AND 1/30/09—Continued

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
64991	Genie Industries, Inc. (Wkrs)	Redmond, WA	01/26/09	01/23/09
64992	AK Steel (Wkrs)	Butler, PA	01/26/09	01/23/09
64993	TTM Technologies (Comp)	Redmond, WA	01/26/09	01/23/09
64994	Clear Lake Lumber, Inc. (Wkrs)	Spartansburg, PA	01/26/09	01/23/09
64995	Alleghany Warehouse Company (Comp)	Richmond, VA	01/26/09	01/23/09
64996	Rebco, Inc. (Comp)	Kersey, PA	01/26/09	01/22/09
64997	Los Angeles Times Communications (Wkrs)	Los Angeles, CA	01/26/09	01/23/09
64998	Oce Business Services (Wkrs)	Bountiful, UT	01/26/09	01/21/09
64999	Twin Hills, Inc. (Wkrs)	Hickory, KY	01/26/09	01/23/09
65000	ConMed Electrosurgery (Comp)	El Paso, TX	01/27/09	12/29/08
65001	Brunswick Corporation/US Marine (Comp)	Navassa, NC	01/27/09	01/27/09
65002	Gerald Keller Logging (State)	Eureka, MT	01/27/09	01/15/09
65003	Neptco (Comp)	Lenoir, NC	01/27/09	01/16/09
65004	PMB, Inc. (Comp)	Poplar Bluff, MO	01/27/09	01/26/09
65005	Seagate (Comp)	Shrewsbury, MA	01/27/09	01/14/09
65006	Warren Corporation (State)	Stafford Springs, CT	01/27/09	01/26/09
65007	Herringbone Shirt Manufacturing Co., LLC (Comp)	Fall River, MA	01/27/09	01/26/09
65008	Modern Industries, Inc. (Comp)	Erie, PA	01/27/09	01/26/09
65009	Lin Creech Sample (State)	Thomasville, NC	01/29/09	01/15/09
65010	North American Communications (Wkrs)	Duncansville, PA	01/29/09	01/14/09
65011	Chase Auto Finance Corporation (Wkrs)	Garden City, NY	01/29/09	01/27/09
65012	Mothers Work, Inc./Destination Maternity (Wkrs)	Philadelphia, PA	01/29/09	01/21/09
65013	Axcelis Technologies (Wkrs)	Portland, OR	01/29/09	01/21/09
65014	Ralphs Frame Works, Inc. (State)	High Point, NC	01/29/09	01/26/09
65015	Julie Hat Company, Inc. (Comp)	Patterson, GA	01/29/09	01/21/09
65016	M. J. Soffe, LLC (Comp)	Fayetteville, NC	01/29/09	01/28/09
65017	Bianchi International (Wkrs)	Temecula, CA	01/29/09	01/07/09
65018	National Vaccum Equipment (State)	Traverse City, MI	01/29/09	01/23/09
65019	Delphi Corporation (Comp)	Troy, MI	01/29/09	01/27/09
65020	Flash Electronic/Astee Flash (State)	Fremont, CA	01/29/09	01/28/09
65021	Ecolab (State)	St. Paul, MN	01/29/09	01/27/09
65022	HS Spring of Ohio (Wkrs)	Jefferson, OH	01/29/09	01/27/09
65023	Silberline Manufacturing Company, Inc. (Comp)	Tamaqua, PA	01/29/09	01/27/09
65024	Printronix (Comp)	Irvine, CA	01/29/09	01/27/09
65025	A. O. Smith Corporation (Comp)	Mebane, NC	01/29/09	01/09/09
65026	ADO Corporation (State)	Spartanburg, SC	01/29/09	01/26/09
65027	Davis-Standard LLC (State)	Pawcatuck, CT	01/29/09	01/27/09
65028	Team Industries, Inc. (State)	Detroit Lakes, MN	01/29/09	01/28/09
65029	Comau Automation (Union)	Novi, MI	01/29/09	01/15/09
65030	Circuit Science (State)	Plymouth, MN	01/29/09	01/28/09
65031	King Choice (UNITE)	New York, NY	01/29/09	01/14/09
65032	Prior Coated Metals (USW)	Allentown, PA	01/29/09	01/13/09
65033	Worthington Steel (Comp)	Louisville, KY	01/29/09	01/29/09
65034	ArcelorMittal Lackawanna, LLC (Comp)	Blasdell, NY	01/29/09	01/22/09
65035	Align Technology (Comp)	Santa Clara, CA	01/29/09	01/27/09
65036	Oviso Manufacturing (94520)	Concord, CA	01/29/09	01/26/09
65037	Chrysler Warren Truck Plant (Comp)	Warren, MI	01/29/09	01/21/09
65038	Koch Originals (Wkrs)	Evansville, IN	01/29/09	01/16/09
65039	Elcoteq, Inc. (Wkrs)	Richardson, TX	01/30/09	01/29/09
65040	New N&W Sewing Company (Wkrs)	San Francisco, CA	01/30/09	01/16/09
65041	Alcatel-Lucent/Carrier-Multicore/Classic (SSG group) (Wkrs)	Plano, TX	01/30/09	01/26/09
65042	Craftwood, Inc. (Wkrs)	High Point, NC	01/30/09	01/29/09
65043	Daramic, LLC (IBB)	Owensboro, KY	01/30/09	01/09/09
65044	Pittsburg Glass Works #23 (PGW) (Wkrs)	Ewart, MI	01/30/09	01/15/09
65045	Parkdale America, LLC—Plant #10 (Comp)	Gastonia, NC	01/30/09	01/26/09
65046	Detroit Diesel Remanufacturing East (Comp)	Byesville, OH	01/30/09	01/29/09
65047	Gehl Company (State)	West Bend, WI	01/30/09	01/28/09
65048	United Machine Works, Inc. (Comp)	Greenville, NC	01/30/09	01/16/09
65049	Entegris Corporation (State)	Chaska, MN	01/30/09	01/29/09
65050	Ball Corporation (Wkrs)	Kansas City, MO	01/30/09	01/13/09
65051	Tyco Electronics (Wkrs)	Carlisle, PA	01/30/09	01/29/09
65052	General Motors Assembly Center (Union)	Wentzville, MO	01/30/09	01/29/09
65053	Tenneco, Inc. (Wkrs)	Hartwell, GA	01/30/09	01/29/09
65054	GE Security Supply Chain Tualatin (Comp)	Tualatin, OR	01/30/09	01/29/09
	National Copper Products, Inc. (UAW)	Dowagiac, MI	01/30/09	01/27/09

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-64,693]

#### Avid Industries, Inc. Argyle, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application dated January 23, 2009, 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 January 6, 2009 and published in the **Federal Register** on February 2, 2009 (74 FR 5871).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative TAA determination issued by the Department for workers of Avid Industries, Inc., Argyle, Michigan was based on the finding that the subject firm did not separate or threaten to separate a significant number or proportion of workers as required by Section 222 of the Trade Act of 1974.

In the request for reconsideration, the petitioner stated that the subject firm contracted a worker in December 2006 and December 2007 to perform unidentified tasks for the company. The petitioner seems to allege that because this "Contract Worker" performed some tasks for the subject firm, he should be considered as employees of the subject firm and, therefore, eligible for Trade Adjustment Assistance.

To determine whether the contracting worker was an employee of the subject firm, on-site leased worker, or a worker under the control of the subject firm and whether there was a significant proportion of workers separated or threatened with separations at the subject company during the relevant period, the Department contacted the subject firm's company official and

requested employment figures for the relevant employment data (for one year prior to the date of the petition and any imminent layoffs).

The company official stated that this independent contractor was not an employee of Avid Industries, Inc., Argyle, Michigan, he was not a leased worker employed on-site of the subject firm, and there was no written contract between this worker and the subject firm.

#### 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 4th day of February 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-3733 Filed 2-20-09; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-64,272]

#### The Nielsen Company (US), LLC, Fond Du Lac, WI; Notice of Negative Determination Regarding Application for Reconsideration

By application dated January 3, 2009, the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA), applicable to workers and former workers of the subject firm. The denial notice was signed on November 21, 2008 and published in the **Federal Register** on December 10, 2008 (73 FR 75136).

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 negative TAA determination issued by the Department for workers of the Nielsen Company (US), LLC, Fond Du Lac, Wisconsin was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974. The investigation revealed that workers of the subject firm compile databases derived from marketing surveys. The investigation further revealed that no production of article(s) occurred within the firm or appropriate subdivision during the relevant period.

The petitioner in the request for reconsideration contends that the Department erred in its interpretation of the work performed by the workers of the subject firm. The petitioner states that the workers of the subject firm "produce databases that are bought and paid for on a weekly basis". The petitioner also indicates that even though they performed "computer jobs", these "technical jobs" should be considered as production jobs.

The investigation revealed that the Nielsen Company is the marketing research organization that provides marketing research services to various manufacturers of consumer products or large retailers. No articles are produced within Nielsen Company. The workers of the Nielsen Company (US), LLC, Fond Du Lac, Wisconsin receive raw scanner data from the retailers, analyze the data and compile the information into the databases, which are used by clients on a syndicated basis so they can monitor how their products are being purchased in comparison to competing products in the marketplace. The workers of the subject firm support marketing research service functions of the Nielsen Company.

These functions, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act. While the provision of services may result in printed material or can be stored electronically, it is incidental to the provision of these services. Databases created by workers of the subject firm are used by the Nielsen Company as incidental to marketing research services provided by the subject firm. No production took place at the subject facility nor did the workers support production of an article at any domestic affiliated location during the relevant period.

The petitioner also alleges that job functions have been shifted from the subject firm overseas.

The company official confirmed that Product Reference coding functions