

## APPENDIX—Continued

[TAA Petitions Instituted between 3/8/10 and 3/12/10]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73694	Travelers Indemnity Company (Wkrs)	Hartford, CT	03/11/10	03/08/10
73695	Woodland Mills (Wkrs)	Mill Spring, NC	03/11/10	03/10/10
73696	Deloitte FAS LLP (State)	Houston, TX	03/11/10	05/27/09
73697	Federal Coach (Wkrs)	Fort Smith, AR	03/12/10	03/12/10
73698	Holloway Sportswear Inc. (Wkrs)	Jackson Center, OH	03/12/10	03/01/10
73699	ABM Janitorial (Wkrs)	Fremont, CA	03/12/10	03/11/10
73700	Roche Diagnostics Operations, Centralized Diagnostics (Wkrs)	Indianapolis, IN	03/12/10	03/11/10
73701	Acuity Brands Lighting (Comp)	Cochran, GA	03/12/10	03/11/10
73702	Komatsu Latin America (Wkrs)	Miami, FL	03/12/10	03/11/10

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## DEPARTMENT OF LABOR

## Employment and Training Administration

## Investigations Regarding Certifications of Eligibility to Apply for Worker 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 29, 2010.

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 29, 2010.

The petitions filed in this case are available for inspection at the 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 7th day of April 2010.

**Elliott Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

## Appendix

**TAA petitions instituted between 3/15/10 and 3/19/10**

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73703	Betts, USA (Wkrs)	Florence, KY	03/15/10	01/19/10
73704	Qantas Airways Ltd (Wkrs)	Los Angeles, CA	03/15/10	03/12/10
73705	Lap Tech Industries (Wkrs)	Dayton, OH	03/15/10	03/12/10
73706	Blumental Printworks (Wkrs)	New Orleans, LA	03/15/10	03/11/10
73707	JD Norman Industries, Inc. (Comp)	Brooklyn, OH	03/15/10	03/12/10
73708	Hayden Twist Drill (Wkrs)	Warren, MI	03/15/10	03/05/10
73709	Kurmi, Inc. (Wkrs)	New York, NY	03/15/10	03/01/10
73710	Sam Malone Enterprises, Inc. (Wkrs)	City of Industry, CA	03/15/10	03/11/10
73711	Air Products and Chemicals, Inc. (Wkrs)	Allentown, PA	03/16/10	03/05/10
73712	Fiserv Fulfillment Services, Inc. (Rep)	St. Louis Park, MN	03/16/10	03/10/10
73713	General Electric (Comp)	Euclid, OH	03/16/10	03/03/10
73714	Interscope Manufacturing, Inc. (Wkrs)	Middletown, OH	03/16/10	03/09/10
73715	Axiant, LLC (Wkrs)	Huntersville, NC	03/16/10	02/16/10
73716	Kmart (Sears holding Corp) (Comp)	Huber Heights, OH	03/17/10	03/10/10
73717	Aperto Networks Inc. (Wkrs)	Milpitas, CA	03/17/10	03/15/10
73718	Medica (STATE)	Minnesota, MN	03/17/10	03/16/10
73719	Franklin Disposables LP (Wkrs)	Columbus, OH	03/17/10	03/16/10
73720	Apria Health Care (Wkrs)	Irving, TX	03/17/10	03/15/10
73721	RCL Burco, Inc. (COMP)	Culloden, WV	03/17/10	03/16/10
73722	Sojitz Corporation of America (ONE-ST)	Seattle, WA	03/17/10	03/15/10
73723	First Solutions (STATE)	Duluth, MN	03/17/10	03/16/10
73724	Rhinestahl Corporation (STATE)	Cincinnati, OH	03/17/10	03/15/10
73725	Michaels (Wkrs)	Irving, TX	03/17/10	03/10/10
73726	Pentair Water (COMP)	Ashland, OH	03/17/10	03/04/10
73727	The Berry Company (COMP)	Honolulu, HI 968813, HI	03/17/10	03/10/10
73728	The Berry Company (COMP)	St. Peters, MO	03/17/10	03/10/10
73729	The Berry Company, LLC (LIYP) (COMP)	La Crosse, WI	03/17/10	03/10/10

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
73730	The Berry Company, LLC (LIYP) (COMP)	Federal Way, WA	03/17/10	03/10/10
73731	The Berry Company, LLC (LIYP) (Comp)	Erie, PA	03/17/10	03/10/10
73732	The Berry Company, LLC (LIYP) (COMP)	Rochester, NY	03/17/10	03/10/10
73733	The Berry Company, LLC (LIYP) (COMP)	Matthews, NC	03/17/10	03/10/10
73734	Purchasingnet, Inc. (Wkrs)	Austin, TX	03/17/10	03/16/10
73735	Product Action (ONE-ST)	Dayton, OH	03/17/10	03/05/10
73736	Toyota engineering and Manufacturing North America Team (TEMA) (State)	Fremont, CA	03/18/10	03/17/10
73737	Cullman Casting Corporation (State)	Cullman, AL	03/18/10	03/17/10
73738	Allied Systems, Ltd. (Comp)	Atlanta, GA	03/18/10	03/17/10
73739	World Wide Technology (Wkrs)	St. Louis, MO	03/18/10	03/17/10
73740	Allstate Insurance Company (State)	Northbrook, IL	03/18/10	03/12/10
73741	Kenco/Komptsu America (State)	Lexington, KY	03/18/10	03/16/10
73742	Covidien (Comp)	Oriskany Falls, NY	03/18/10	03/17/10
73743	American Fiber and Finishing, Inc. (Comp)	Allemarte, NC	03/18/10	03/17/10
73744	Sony Ericsson, USA (Wkrs)	Research Triangle Park, NC	03/18/10	02/15/10
73745	Zumtobel Lighting Inc. (UAW)	Garfield, NJ	03/19/10	03/17/10
73746	Price Water House Coopers LLP (Wkrs)	New York, NY	03/19/10	03/17/10
73747	Payroll Solutions/Synergy (Wkrs)	North Las Vegas, NV	03/19/10	03/17/10
73748	Commercial Construction Management and Resource (STATE)	Milford, OH	03/19/10	03/09/10
73749	Assembly and Test Worldwide, Inc. (STATE)	Shelton, CT	03/19/10	03/17/10
73750	General Motors Corporation (Wkrs)	Detroit, MI	03/19/10	03/08/10
73751	RHealth, LLC (STATE)	Memphis, TN	03/19/10	03/17/10
73752	Industrial Metal Products Corp. (STATE)	Lansing, MI	03/19/10	03/17/10

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

[TA-W-65,433]

**American Racing Equipment, LLC, Denver, CO; Notice of Negative Determination on Remand**

On January 8, 2010, the United States Court of International Trade (USCIT) granted the Department of Labor's request for voluntary remand to conduct further investigation in *Former Employees of American Racing Equipment, LLC v. United States Secretary of Labor* (Court No. 09-00288).

On April 6, 2009, the Department of Labor (Department) issued a Negative Determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of American Racing Equipment, LLC, Denver, Colorado (the subject firm). (AR 49) The Department's Notice of negative determination was published in the **Federal Register** on June 25, 2009 (74 FR 3033). (AR 59.) The determination stated that the subject firm's affiliate did not import two piece wheels like or directly

competitive with those warehoused and wholesaled by the subject worker group. Additionally, the customers of the affiliate did not make import purchases of these articles in the period under investigation. (AR 50.)

By application dated April 25, 2009, the petitioner requested administrative reconsideration on the Department's negative determination. In the request for reconsideration, the petitioner alleged that the workers of the subject firm supported production of cast, one piece wheels and that the subject firm shifted production of these articles abroad and increased imports of these products. (AR 61-73.)

Because new information was provided by the petitioners that had not been previously considered, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for workers at the subject firm on May 11, 2009. (AR 76.) The Notice was published in the **Federal Register** on June 16, 2009 (74 FR 28552). (AR 79.)

In the request for reconsideration, the petitioner alleged that the workers of the subject firm supported production of cast, one piece wheels, that the subject firm shifted production of the cast, one piece wheels abroad, and that there was an increase in imports of these articles. (AR 62-64, 68-70.)

During the reconsideration investigation, the Department obtained additional information from the company official regarding the

petitioners' claims. The additional material, however, did not contain information sufficient to reverse the initial negative determination.

As a result of the reconsideration investigation, the Department issued a Notice of Negative Determination Regarding Application for Reconsideration on June 26, 2009. (AR 83-85) The determination stated that the Department did not find additional information pertaining to a shift in production or increased imports that contributed to the petitioners' separations. (AR 84, 85) On July 14, 2009, the Notice was published in the **Federal Register** (74 FR 34044). (AR 87, 88.)

In a letter to the Colorado Department of Labor, dated July 23, 2009, the Plaintiff appealed to the USCIT for judicial review. The Plaintiff stated that "the relevant period" for the investigation should have been identical to the relevant time period covered in TAA certifications TA-W-58,665 and TA-W-63,760 and based the appeal on "facts not considered" and misinterpretation of the facts.

On December 14, 2009, the Department requested the USCIT to grant its request for remand to investigate further the Plaintiffs' allegations. On January 8, 2010, the USCIT granted the Department's Motion for voluntary remand.

On May 18, 2009, the Department implemented the Trade and Globalization Adjustment Assistance