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

[TA-W-72,949]

**Western Digital Technologies, Inc., Corporate Headquarters/Hard Drive Development Division, Lake Forest, CA; Notice of Negative Determination on Reconsideration**

On October 7, 2010, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Western Digital Technologies, Inc., Corporate Headquarters/Hard Drive Development Division, Lake Forest, California (Western Digital Technologies). The Department's Notice was published in the **Federal Register** on October 25, 2010 (75 FR 65517). The subject workers supply engineering (development) services in support of hard drive (also known as disk drive) manufacturing.

The initial negative determination was based on the Department's findings that that the subject firm did not increase imports of like or directly competitive services and did not shift to a foreign country the supply of these services. The investigation also revealed that the subject firm does not supply services that were directly used in the production of an article by a firm that employed a worker group eligible to apply for TAA. Because the services were supplied internally, no customer survey was conducted.

The request for reconsideration alleges that increased imports of articles that were produced directly using the services supplied by the subject workers contributed importantly to separations at the subject firm.

Information obtained during the reconsideration investigation confirmed that, during the relevant period, the workers' firm did not shift to a foreign country the supply of services like or directly competitive with the engineering services supplied by the workers nor has there been an acquisition by the subject firm from a foreign country of like or directly competitive services; that the subject firm did not increase services like or directly competitive with the engineering services supplied by the workers; and the subject firm did not increase imports of articles that were produced directly using services supplied by the subject workers.

**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 Western Digital Technologies, Inc., Corporate Headquarters/Hard Drive Development Division, Lake Forest, California.

Signed in Washington, DC, on this 4th day of February, 2011.

**Del Min Amy Chen,***Certifying Officer, Office of Trade Adjustment Assistance.*

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

[TA-W-72,554]

**General Motors Company, Pontiac Assembly; Pontiac, MI; Notice of Negative Determination on Reconsideration**

On October 7, 2010, the Department of Labor (Department) issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of General Motors Company, Pontiac Assembly, Pontiac, Michigan (GM-Pontiac). The Department's Notice of determination was published in the **Federal Register** on October 25, 2010 (75 FR 65513). Workers at GM-Pontiac are engaged in employment related to the production of the GMC Sierra and Chevrolet Silverado vehicles.

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 initial investigation resulted in a negative determination based on the finding that there was no increase in imports by the subject firm or its customers or a shift to/acquisition from a foreign country by the workers' firm of articles like or directly competitive with the automobiles produced by the workers. The investigation also revealed that the workers did not produce a

component part that was used by a firm that both employed workers eligible to apply for Trade Adjustment Assistance and directly incorporated the component parts into the article that was the basis for the TAA certification.

In the request for reconsideration, the International Union of United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) stated that production of standard cab and extended cab GMC Sierra and Chevrolet Silverado vehicles shifted to an affiliated GM facility in Mexico ("Pontiac Assembly ceased producing \* \* \* production from Pontiac \* \* \* shifted, at least in part, to Silao, Mexico."

Information obtained during the reconsideration investigation confirmed that the subject firm did not shift to/acquire from an affiliated facility in Mexico or any other foreign country the production of standard cab and extended cab GMC Sierra and Chevrolet Silverado vehicles (or like or directly competitive articles). The company official also confirmed that production of the aforementioned vehicles was shifted to affiliated locations within the United States.

**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 General Motors, Pontiac Assembly, Pontiac, Michigan.

Signed in Washington, DC, on this 4th day of February, 2011.

**Del Min Amy Chen,***Certifying Officer, Office of Trade Adjustment Assistance.*

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

[TA-W-73,488]

**Hewlett Packard (HP), Global Product Development, Engineering Workstation Refresh Team, Working On-Site at General Motors Corporation, Milford, MI; Notice of Revised Determination on Reconsideration**

On June 8, 2010, the Department issued a Notice of Termination of Investigation, stating that the petitioning worker group is part of an on-going investigation (TA-W-72,851). On June 30, 2010, the Department issued a Notice of Revised Termination of

Investigation because the certification of TA-W-72,851 (issued on June 23, 2010) did not include workers of Hewlett Packard, and began an investigation to determine whether workers and former workers of Hewlett Packard, Global Product Development, working on-site at General Motors Corporation, Milford, Michigan, are eligible to apply for TAA.

Information obtained by the Department revealed that Hewlett Packard's Global Product Development unit consists of three separately identifiable worker groups: The Non-Information Technology Business Development Team, the Engineering Application Support Team, and the Engineering Workstation Refresh Team.

On February 2, 2011, the Department issued an amended certification of TA-W-72,851 that included workers of Hewlett Packard, Global Product Development, Non-Information Technology Business Development Team and Engineering Application Support Team, working on-site at General Motors Corporation, Milford, Michigan. Because workers of Hewlett Packard, Global Product Development, Engineering Workstation Refresh Team (HP-EWRT) are not covered by the amendment, the Department continued with the investigation.

The Department has determined that the workers of HP-EWRT, who are engaged in employment related to the supply of information technology (IT) services, meet the criteria as Suppliers for secondary worker certification.

Criterion I has been met because a significant number or proportion of the workers of HP-EWRT has become totally or partially separated, or are threatened with separation.

Criterion II has been met because workers of HP-EWRT supplied services to a firm that employed a worker group eligible to apply for TAA and the services supplied are related to the article or service that was the basis for the TAA certification.

Criterion III has been met because the loss of business by HP-EWRT with the aforementioned firm, with respect to IT services supplied to the firm, contributed importantly to subject worker separations at HP-EWRT, Milford, Michigan.

#### Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of Hewlett Packard, Global Product Development, Engineering Workstation Refresh Team, Milford, Michigan, who are engaged in employment related to the supply of information technology (IT) services, meet the worker group certification

criteria under Section 222(c) of the Act, 19 U.S.C. 2272(c). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

"All workers of Hewlett Packard, Global Product Development, Engineering Workstation Refresh Team, working on-site at General Motors Corporation, Milford, Michigan, who became totally or partially separated from employment on or after February 9, 2009, through two years from the date of this revised certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended."

Signed in Washington, DC, this 4th day of February, 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-70,261]

#### Stimson Lumber Company Clatskanie, OR; Notice of Revised Determination on Remand

On November 15, 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 Stimson Lumber Company v. United States Secretary of Labor*, Court No. 10-00278.

On May 18, 2009, the International Association of Machinists and Woodworkers, Local Lodge W-536 (Union) filed a petition for Trade Adjustment Assistance (TAA) with the Department of Labor (Department) on behalf of workers and former workers of Stimson Lumber Company, Clatskanie, Oregon (subject firm). Workers at the subject firm (subject worker group) are engaged in the production of softwood lumber products. The worker group does not include on-site leased workers.

On February 19, 2010, the Department issued a Negative Determination regarding eligibility to apply for TAA applicable to workers and former workers of the subject firm. The Department's Notice of determination was published in the **Federal Register** on March 12, 2010 (75 FR 11925).

The Department's initial findings revealed that the subject firm did not import articles like or directly

competitive with those produced by the workers, shift the production of these articles abroad, or acquire these articles from a foreign country during the period under investigation. The survey conducted of the subject firm's major declining customers revealed a decline in imports when compared to purchases made from the subject firm.

The Department had also reviewed aggregate data that confirmed that U.S. imports of softwood lumber products like or directly competitive with those produced by the subject worker group declined when compared to domestic production. Consequently, the Department determined that the group eligibility requirements under Section 222 of the Trade Act, as amended, had not been met.

By application dated March 11, 2010, the Union requested administrative reconsideration on the Department's negative determination. The request for reconsideration stated that the worker separations in the subject worker group were a result of competition with Canadian imports. The Union also alleged that because Hampton Lumber Mills-Washington, Inc., Morton Division, Washington, whose workers are eligible to apply for TAA as primary workers under TA-W-72,129, is an upstream supplier of Stimson Lumber Company, workers at the subject firm are eligible to apply for TAA as adversely affected secondary workers.

Section 222(d) of the Act, 19 U.S.C. 2272(d), defines the term "Supplier" as "a firm that produces and supplies directly to another firm component parts for articles, or services used in the production of articles or in the supply of services, as the case may be, that were the basis for a certification of eligibility under subsection (a) [of Section 222 of the Act] of a group of workers employed by such other firm."

During the investigation regarding the application for reconsideration, the Department confirmed that the subject worker group did not qualify as secondarily affected workers because the products manufactured at the subject firm were not used as a component part in the production of lumber that was the basis of the primary certification that is applicable to workers at Hampton Lumber Mills-Washington, Inc., Morton Division, Washington.

Because the petitioner did not provide information that had not been previously considered, the Department issued a Negative Determination Regarding Application for Reconsideration applicable to workers at the subject firm on July 8, 2010. The