

finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed: at Washington, DC, this 6th of June, 2013.

**Gerri Fiala,**

*Acting Assistant Secretary, Employment and Training Administration.*

[FR Doc. 2013-14855 Filed 6-20-13; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a "Certification of Non-Relocation and Market and Capacity Information Report" (Form 4279-2) for the following:

*Applicant/Location:* Spirit Pharmaceutical, Inc./Summerton, South Carolina

*Principal Product/Purpose:* The loan, guarantee, or grant application will be used to purchase and perform improvements to real estate and to purchase equipment associated with the opening of a new pharmaceutical manufacturing facility. The facility will ultimately create three hundred jobs in a distressed area of South Carolina. The NAICS industry codes for this enterprise are: 325411/325412 (Pharmaceutical and Medicine Manufacturing/Pharmaceutical Preparation Manufacturing)

**DATES:** All interested parties may submit comments in writing no later than July 5, 2013. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S-4231, Washington, DC 20210; or email *Dais.Anthony@dol.gov*; or transmit via fax (202) 693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR part 75, authorizes the United States Department of Agriculture to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed: at Washington, DC, this 4th day of June, 2013.

**Gerri Fiala,**

*Acting Assistant Secretary, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-82,285]

#### U.S. Steel Tubular Products, Inc., McKeesport Tubular Operations Division, Subsidiary of United States Steel Corporation, McKeesport, Pennsylvania; Notice of Amended Certification

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated in response to a petition for Trade Adjustment Assistance (TAA) filed on December 20, 2012 on behalf of workers of U.S. Steel Tubular Products, McKeesport Tubular Operations Division, a subsidiary of United States Steel Corporation, McKeesport, Pennsylvania (hereafter collectively referred to as "U.S. Steel Tubular Products" or "subject firm"). The workers' firm produces steel drill pipe and drill collars. The worker group does not include on-site leased workers.

On January 28, 2013, the Department issued a certification stating that the criteria set forth in Section 222(e) of the Trade Act of 1974, as amended, was met.

A review of the determination and the petition, however, revealed that the certification was erroneously issued. Specifically, the determination inaccurately stated that the petition was filed within a year of the March 3, 2011 publication in the **Federal Register** of the International Trade Commission's finding that dumping of drill pipes and drill collars from China negatively impacted U.S. firms engaged in production of those articles.

Although the subject firm was publicly identified by name by the International Trade Commission (ITC) as a member of a domestic industry in an investigation resulting in a category of determination that is listed in Section 222(e) of the Act, 19 U.S.C. 2272(e), the petition was filed more than a year after the publication of the ITC's findings in the **Federal Register**.

As such, the Department conducted another investigation to determine whether or not the petitioning worker group has met the criteria set forth in Section 222(a) or (b) of the Trade Act of 1974, as amended.

Based on previously-submitted information and additional information obtained during the amendment investigation, the Department has determined that Section 222(a)(1) has been met because a significant number or proportion of the workers at U.S. Steel Tubular Products have become

totally or partially separated, or are threatened with such separation; that Section 222(a)(2)(A)(i) has been met because U.S. Steel Tubular Products sales and/or production of steel drill pipe and drill collars have decreased; that Section 222(a)(2)(A)(ii) has been met because aggregate imports of articles like or directly competitive with steel drill pipe and drill collars produced by U.S. Steel Tubular Products have increased during the relevant period; and that Section 222(a)(2)(A)(iii) has been met because increased aggregate imports contributed importantly to the worker group separations and sales/production declines at U.S. Steel Tubular Products.

### Conclusion

After careful review of previously-submitted facts and new facts obtained during the amendment investigation, I determine that workers of U.S. Steel Tubular Products, McKeesport Tubular Operations Division, a subsidiary of United States Steel Corporation, McKeesport, Pennsylvania, who were engaged in employment related to the production of steel drill pipe and drill collars, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of U.S. Steel Tubular Products, McKeesport Tubular Operations Division, a subsidiary of United States Steel Corporation, McKeesport, Pennsylvania, who became totally or partially separated from employment on or after December 19, 2011, through January 28, 2013, and all workers in the group threatened with total or partial separation from employment on January 28, 2013 through January 28, 2015, 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 5th day of June, 2013.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2013-14853 Filed 6-20-13; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-82,396]

#### **Sealy Mattress Company; A Subsidiary of Sealy, Inc.; Including On-Site Leased Workers From Express Employment Professionals; Portland, Oregon; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated May 16, 2013, United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW), Local 330, requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of Sealy Mattress Company, a subsidiary of Sealy, Inc., Portland, Oregon (subject firm). The Department's Notice of Determination was issued on April 15, 2013 and was published in the **Federal Register** on May 15, 2013 (78 FR 28630).

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 determination of the TAA petition filed on behalf of workers at the subject firm was based on the Department's findings that, during the relevant period, neither the subject firm nor its customers increased imports of articles like or directly competitive with mattresses or box springs produced by the subject firm; the subject firm did not shift production of mattresses and/or box springs, or like or directly competitive articles, to a foreign country, and did not acquire such production from a foreign country; the subject firm is neither a Supplier nor Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a); and the subject firm has not been publically identified by name by the International Trade Commission

as a member of a domestic industry in an investigation resulting in an affirmative finding of serious injury, market disruption, or material injury, or threat thereof.

The request for reconsideration stated that the workers of the subject firm should be eligible to apply for TAA because workers at the subject firm were impacted by foreign competition of imported mattresses and box springs. The request also asserts that increased imports should be measured both absolutely and relative to domestic production, as required by applicable regulation. The request further states that the subject firm is a Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a).

The request for reconsideration includes a reference to a blog that reported that imports of mattresses have increased since 2003, import data that shows that imports of bedding foundations (which are directly competitive with box springs) decreased in 2012 from 2011 levels, a list of bedding companies and sawmills that employed workers who are eligible to apply for TAA, and references on-line articles regarding Sealy Mattress.

During the review of the application, the Department carefully reviewed the USW's request for reconsideration (including the attachments), the existing record, and the articles referenced in the application ("Sealy opens first factory in China"; February 2011; <http://bedtimesmagazine.com> and "Sealy Opens New Toronto Facility"; October 15, 2008; <http://furninfo.com>).

The request for reconsideration did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

### Conclusion

After careful 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.