

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 31st day of October 2013.

**Lyssa E. Hall,**

*Director Office of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

**[Exemption Application No. D-11672]**

#### Withdrawal of Notice of Proposed Exemption Involving the Studley, Inc. Section 401(k) Profit Sharing Plan (the Plan) Located in New York, NY

In the **Federal Register** dated November 16, 2012 (77 FR 68842), the Department of Labor (the Department) published a notice of proposed exemption (the Notice) from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974, as amended, and from certain taxes imposed by the Internal Revenue Code of 1986, as amended. The Notice concerned the proposed cash sale by the Plan of an 8.828121% partnership interest (the Interest) in the Julien J. Studley N Street Partnership, a general partnership (the JJS Partnership) to Studley, Inc. (the Employer), a party in interest with respect to the Plan.

Subsequent to the publication of the Notice in the **Federal Register**, the Department was informed that Melvin Lenkin, Edward J. Lenkin and the EJL Trust, who are unrelated parties with respect to the Plan, purchased the Interest from the Plan. Accordingly, the Department hereby withdraws the Notice from the **Federal Register**.

Signed at Washington, DC, this 31st day of October 2013.

**Lyssa E. Hall,**

*Director, Office of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA-W-81,387]**

#### Eastman Kodak Company, IPS—Dayton Location, Including On-Site Leased Workers From Adecco, Dayton, Ohio; Notice of Negative Determination on Reconsideration

On March 2, 2012, the Department of Labor (Department) initiated an investigation in response to a Trade Adjustment Assistance (TAA) petition filed on behalf of workers and former workers of Eastman Kodak Company, IPS-Dayton Location, including on-site leased workers from Adecco, Dayton, Ohio (hereafter referred to as "Eastman Kodak-IPS-Dayton"). On May 18, 2012, the Department denied the petition for group eligibility to apply for TAA. The Department's Notice of negative determination was published in the **Federal Register** on June 6, 2012 (77 FR 33494).

On August 1, 2012, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration, applicable to Eastman Kodak-IPS-Dayton. The Department's Notice of affirmative determination was published in the **Federal Register** on August 14, 2012 (77 FR 48549).

On March 19, 2013, the Department issued a Notice of Termination of Reconsideration Investigation to workers and former workers of Eastman Kodak-IPS-Dayton (TA-W-81,387) which stated that the worker group on whose behalf the request for reconsideration was filed is eligible to apply for TAA under the amended certification for TA-W-74,813A. The Department's Notice of termination of reconsideration investigation was published in the **Federal Register** on April 9, 2013 (78 FR 21155).

On June 21, 2013, the Department issued a Notice of Termination of Certification applicable to workers and former workers eligible to apply for TAA under TA-W-74,813A. The Department's Notice of Termination of Certification was published in the **Federal Register** on July 5, 2013 (78 FR 40507). In the Notice of Termination of Certification, the Department stated that the reconsideration investigation of TA-W-81,387 would be re-opened and a determination on reconsideration would be issued accordingly.

During the re-opened reconsideration investigation, the Department contacted the workers who filed the initial petition for information and received

additional information from one of the petitioners.

The petition alleges that production of printers shifted from the Dayton, Ohio facility to a foreign country. In an attachment to the petition, the petitioners state that "a few years back our facility . . . shipped the manufacture of . . . fluid systems and controllers to . . . China"; that "in 2010 a large portion of the print head refurbishment for the 4" (four inch) product line was shipped to . . . China"; that "all of the printed circuit board production and testing was moved to China"; that a "portion of the new product under development (Stream) was moved to Mexico for manufacture" in 2011; that people from Malaysia spent months in the fall of 2011 "to learn the processes of manufacture so equipment can be sent to their facility in Malaysia"; and that "production of the new Stream product is to be done in Malaysia."

During the re-opened reconsideration investigation, a former worker stated that separations at the Dayton, Ohio facility were due to the shift in production to China and/or Mexico; that production of "legacy" products were shifted to a facility in China that builds cameras and desktop printers; that the shift of production to China also resulted in reduced need for "testing and repair of new build circuit boards and electronic assembly"; that production of ink jet print systems and the "Four Inch" product line were shifted to China; and that, in April 2012, three of the remaining workers were separated "because the remaining repair work was shifted to a third party company in the Dayton area."

During the re-opened reconsideration investigation, the Department obtained updated information from Eastman Kodak Company regarding operations at the Dayton, Ohio facility and responses to the afore-mentioned allegations.

Based on information obtained during the re-opened reconsideration investigation, the Department determines that while there was some production shift abroad in 2006 to 2008, no such shift occurred in 2012 and 2013, and that the shift which occurred during 2006 to 2008 did not contribute to worker separations at the Dayton, Ohio facility in 2012 and 2013.

Rather, information obtained during the reconsideration investigation confirmed that worker separations at the Dayton, Ohio facility in 2012 and 2013 have been part of bankruptcy-related activities, including restructuring and domestic outsourcing of some services, and have not resulted in a shift of production abroad.