

addresses section below on or before July 7, 2014.

**ADDRESSES:** Submit written comments to William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Room C-4312, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202-693-3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD). Fax: 202-693-2768. Email: [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov) subject line: ETA-9089. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The information collection on ETA Form 9089 is required by sections 203(b)(2) and (b)(3) and 212(a)(5)(A) of the Immigration and Nationality Act (INA) (8 U.S.C. 1153(b)(2) and (3) and 1182(a)(5)(A)). DOL and the Department of Homeland Security (DHS) have promulgated regulations to implement the INA. Specifically for this collection, the regulations at 20 CFR 656 and 8 CFR 204.5 (the regulations) are applicable. Section 212(a)(5)(A) of the INA requires the Secretary of Labor to certify that any alien seeking to enter the United States for the purpose of performing skilled or unskilled labor is not adversely affecting wages and working conditions of U.S. workers similarly employed and that there are not sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor. Before any employer may request any skilled or unskilled alien labor, it must submit a request for certification to the Secretary of Labor containing the elements prescribed by the INA and the regulations. The regulations require employers to document their recruitment efforts and to substantiate the reasons no U.S. workers were hired.

##### II. Review Focus

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

##### III. Current Actions

In order to meet its statutory responsibilities under the INA, DOL must extend without modification an existing collection of information pertaining to employers seeking to import foreign labor. The form used to collect the information is used not only by DOL, but also by Department of Homeland Security U.S. Citizenship and Immigration Services (USCIS) to meet the requirements of the INA. DOL uses the information collected in its permanent certification program. USCIS uses the form for its National Interest Waiver program, and to consider employment-based immigration applications by employers of employees engaged in Schedule A-Shortage Occupations, and by employers of sheepherders.

*Type of Review:* extension.

*Title:* Form ETA-9089, *Application for Permanent Employment Certification.*

*OMB Number:* 1205-0451.

*Affected Public:* Individuals or households, business or other for-profits, and not-for-profit institutions, farms, and Federal, state, local or tribal governments.

*Form(s):* ETA-9089.

*Total Annual Respondents:* 73,400.

*Annual Frequency:* On occasion.

*Total Annual Responses:* 295,472.

*Average Time per Response:* 46 minutes.

*Estimated Total Annual Burden Hours:* 227,687.

*Total Annual Burden Cost for Respondents:* \$467,000.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

**Eric M. Seleznow,**

*Acting Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2014-10185 Filed 5-2-14; 8:45 am]

**BILLING CODE 4510-FF-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA-W) number issued during the period of March 31, 2014 through April 4, 2014.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

- I. Under Section 222(a)(2)(A), the following must be satisfied:
- (1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;
  - (2) The sales or production, or both, of such firm have decreased absolutely; and
  - (3) One of the following must be satisfied:
    - (A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;
    - (B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;
    - (C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;
    - (D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and
  - (4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or
- II. Section 222(a)(2)(B) all of the following must be satisfied:
- (1) A significant number or proportion of the workers in such workers' firm

have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/ supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding

eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

**Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
83,245 .....	IBM Corporation, Integrated Supply Chain, Global Execution, Global Manufacturing, etc.	Rochester, MN	November 25, 2012.
83,245A .....	IBM Corporation, Power Firmware Information Development, Computer Task Group.	Rochester, MN	November 25, 2012.
83,245B .....	IBM Corporation, Cloud Management and Power Performance Testing and Tooling.	Rochester, MN	November 25, 2012.

**Negative Determinations for Worker 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.

The investigation revealed that the criterion under paragraph (a)(1), or

(b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

TA-W No.	Subject firm	Location	Impact date
83,245C .....	IBM Corporation, Global AMS Delivery .....	Rochester, MN	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
82,929 .....	Bang Printing of Ohio, DBA Hess Plant Solutions, D & J Printing, DBA Bang Printing, etc.	Woodstock, IL	

I hereby certify that the aforementioned determinations were issued during the period of March 31, 2014 through April 4, 2014. These determinations are available on the Department's Web site *tradeact/taa/taa-search\_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888-365-6822.

Signed at Washington, DC this 10th day of April 2014.

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

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding 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 Office 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, Office of Trade Adjustment Assistance, at the address shown below, not later than May 15, 2014.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 15, 2014.

The petitions filed in this case are available for inspection at the Office of the Director, Office 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 10th day of April 2014.

**Hope D. Kinglock,**  
*Certifying Officer, Office of Trade Adjustment Assistance.*

**APPENDIX**

[24 TAA petitions instituted between 3/31/14 and 4/4/14]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85185 .....	Broadridge Financial Solutions (State/One-Stop) .....	Jersey City, NJ .....	03/31/14	03/31/14
85186 .....	Komtek (Union) .....	Worcester, MA .....	03/31/14	03/28/14
85187 .....	CVG Oregon LLC (Company) .....	Tigard, OR .....	03/31/14	03/29/14
85188 .....	Gentex Optics, subsidiary of EOA Holding Co. (Company) ....	Carbondale, PA .....	04/01/14	03/28/14
85189 .....	M/A-COM Technology Solutions (State/One-Stop) .....	Long Beach, CA .....	04/01/14	03/28/14
85190 .....	DNP Electronics America, LLC (Company) .....	Chula Vista, CA .....	04/01/14	03/31/14
85191 .....	Soy Basics Candle Outlet (State/One-Stop) .....	New Hampton, IA .....	04/01/14	03/31/14
85192 .....	United Technologies Building & Industrial Systems (Company).	Pittsfield, ME .....	04/01/14	03/31/14
85193 .....	LexisNexis Matthew Bender (Workers) .....	Albany, NY .....	04/02/14	04/01/14
85194 .....	Med-Fit Systems, Inc. (Workers) .....	Independence, VA .....	04/02/14	04/01/14
85195 .....	Stream Global Services (Workers) .....	Sergeant Bluff, IA .....	04/02/14	04/01/14
85196 .....	Plastic Design (State/One-Stop) .....	Pittsfield, ME .....	04/02/14	04/01/14
85197 .....	Bimbo Bakeries USA (State/One-Stop) .....	Bay Shore, NY .....	04/02/14	04/01/14
85198 .....	West Point Products (Workers) .....	Washington, PA .....	04/02/14	04/01/14
85199 .....	Styrolution America LLC (State/One-Stop) .....	Springfield, MA .....	04/03/14	04/02/14
85200 .....	Cordova Jewelry (State/One-Stop) .....	Great Neck, NY .....	04/03/14	04/02/14
85201 .....	JP Morgan Chase, Assumption Underwriting (Workers) .....	Florence, SC .....	04/03/14	04/02/14
85202 .....	JP Morgan Chase, Mortgage Specialist (Workers) .....	Florence, SC .....	04/03/14	04/02/14
85203 .....	Citibank NA (Workers) .....	Tampa, FL .....	04/03/14	04/02/14
85204 .....	Avalon Laboratories, LLC (State/One-Stop) .....	Rancho Dominguez, CA .....	04/03/14	04/01/14
85205 .....	Digital Domain (State/One-Stop) .....	Los Angeles, CA .....	04/03/14	04/02/14
85206 .....	OVUS Technologies LLC (Company) .....	Dallas, TX .....	04/03/14	04/02/14
85207 .....	Lifetouch Inc. (Company) .....	Eden Prairie, MN .....	04/04/14	04/03/14
85208 .....	Lockheed Martin MS2 Akron (Union) .....	Akron, OH .....	04/04/14	04/02/14