

supply from a foreign location like or directly competitive services while decreasing services supplied within the United States. The request for reconsideration included new information in support of the allegations.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 30th day of May, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-85,104]

Fisher and Ludlow A Nucor Company Saegertown, Pennsylvania; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated May 2, 2014, a representative of United Steelworkers, District 10, requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of Fisher and Ludlow, a Nucor Company, Saegertown, Pennsylvania. The determination was issued on April 8, 2014 and the Department's Notice of determination was published in the **Federal Register** on April 29, 2014 (79 FR 24018).

The group eligibility requirements for workers of a firm under Section 246(a)(3)(A)(ii) of the Trade Act are satisfied if the following criteria are met:

- (I) Whether a significant number of workers in the workers' firm are 50 years of age or older;
- (II) Whether the workers in the workers' firm possess skills that are not easily transferable; and

(III) The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

The negative determination for ATAA was based on the Department's findings that Section 246(a)(3)(A)(ii)(II) was not been met because the workers in the workers' firm possess skills that are easily transferrable and Section 246(a)(3)(A)(ii)(III) was not been met because conditions within the workers' industry are not adverse.

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 request for reconsideration asserts that the workers in the workers' firm possess skills that are not easily transferrable and that conditions within the workers' industry are adverse. The request provides facts not previously considered to support the assertions.

The Department of Labor has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974, as amended.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 28th day of May, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-85,019]

Saliency Insight, Inc. F/K/A KD Paine & Partners, Inc. A Subsidiary of News Group International Berlin, New Hampshire; Notice of Negative Determination on Reconsideration

On April 11, 2014, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Saliency Insight, Inc., formerly known as KD Paine & Partners, Inc., a subsidiary of News Group International, Berlin, New Hampshire (subject firm). The Department's Notice of determination was published in the **Federal Register** on May 7, 2014 (79 FR 26268).

Workers of a firm may be eligible for worker adjustment assistance if they satisfy the criteria of subsection (a) and (b) of Section 222 of the Trade Act of 1974, as amended (the "Act"), 19 U.S.C. 2272(a) and (b). For the Department of Labor to issue a certification for workers under Section 222(a) of the Act, 19 U.S.C. 2272(a), the following three criteria must be met:

- (1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. § 2272(a)(1)) requires that a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. § 2272(a)(2)) may be satisfied in one of two ways:

(A) Increased Imports Path:

(i) Sales or production, or both, at the workers' firm must have decreased absolutely, AND

(ii) imports of articles like or directly competitive with articles produced by such firm or subdivision have increased; and

(iii) the increase described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision.

(B) Shift in Production Path:

(i) There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

(ii)(I) the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

(II) the country to which the workers' firm has shifted production of the articles is a beneficiary country under the African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

(III) there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

For the Department to issue a certification under Section 222(b) of the Act, 19 U.S.C. 2272(b), to workers of a Supplier or a Downstream Producer, the following criteria must be met:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the 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, 19 U.S.C. § 2272(a), and such supply or production is related to the article 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.

Section 222(c) of the Act, 19 U.S.C. 2272(c), defines the terms "Supplier" and "Downstream Producer."

The initial investigation resulted in a negative determination based on the findings that the subject firm supplies services related to media measurement and analysis and, therefore, does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Act. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a "firm" or appropriate subdivision that produces an article. The definition of a firm includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court.

In the request for reconsideration, a former worker alleged that workers at the subject firm produce software and indicated that the worker group at the subject firm is similar to the worker group at Computer Sciences Corporation, Financial Services Group, East Hartford, Connecticut (TA-W-53,209; U.S. Court of International Trade case No. 04-00149), which is eligible to apply for Trade Adjustment Assistance (TAA).

In TA-W-53,209, the Department determined that articles can be either tangible or intangible, that the workers produced an article (software), that production shifted to a foreign country, and that imports of like or directly competitive articles increased following the shift in production. The Department also determined that "the provision of a service may result in the incidental creation of an article. For example, accountants provide services for the purposes of the Act even though, in the course of providing those services, they may generate audit reports or similar financial documents that might be articles on the Harmonized Tariff Schedule of the United States." See TA-W-53,209 Computer Sciences Corporation, Financial Group, East Hartford, Connecticut, *Notice of Revised Determination on Remand*.

During the reconsideration investigation, the Department contacted the former worker to discuss the allegations, confirmed previously collected information, collected new information from the subject firm, and obtained additional information to specifically address the allegations made by the former worker.

Information obtained during the reconsideration investigation confirmed that the workers of the subject firm provide services related to media measurement and analysis and that workers at the subject firm do not produce an article, including software. The workers use existing software for analysis and creation of reports and documents that are created incidentally to the provision of media measurement and analysis services. Consequently, the workers do not produce an article, within the meaning of the Trade Act.

Therefore, after careful review of the request for reconsideration, the Department determines that the criteria of subsection (a) and (b) of Section 222 of the Act, 19 U.S.C. 2272(a) and (b) have not been met.

Conclusion

After careful review, I determine that the requirements of Section 222 of the Act, 19 U.S.C. 2272, have not been met and, therefore, deny the petition for group eligibility of Salience Insight, Inc., formerly known as KD Paine & Partners, Inc., a subsidiary of News Group International, Berlin, New Hampshire, to apply for adjustment assistance, in accordance with Section 223 of the Act, 19 U.S.C. 2273.

Signed in Washington, DC, on this 4th day of June, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-85,178]

Cardinal Health 200, LLC, Medical—Presource Manufacturing, Including On-Site Leased Workers From Adecco Staffing, USA and Baron, Including Workers Whose Unemployment Insurance (UI) Wages Were Reported Through Medical Concepts Development, Woodbury, Minnesota; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on April 23, 2014, applicable to workers and former workers of Cardinal Health 200, LLC, Medical—Presource Manufacturing, including on-site leased workers from Adecco Staffing, USA, including workers whose unemployment insurance (UI) wages were reported through Medical Concepts Development, Woodbury, Minnesota (subject firm). The workers are engaged in activities related to the production of latex-free surgical incise and fluid control drapes, and other OEM medical products. The Notice was published in the **Federal Register** on May 12, 2014 (79 FR 27001).

At the request of the State of Minnesota, the Department reviewed the certification for workers of the subject firm.

New information from the company shows that workers leased from Baron were employed on-site at the Woodbury, Minnesota location of Cardinal Health 200, LLC, Medical—Presource Manufacturing, including workers whose unemployment insurance (UI) wages were reported through Medical Concepts Development. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.