

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

[TA-W-85,497]

**Invista S.A.R.L.; Apparel Division; A  
Wholly-Owned Subsidiary of Koch  
Industries, Inc.; Waynesboro, Virginia;  
Notice of Affirmative Determination  
Regarding Application for  
Reconsideration**

By application dated December 14, 2014, United Workers, Inc., International Brotherhood of Dupont Workers, Local 381, requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for worker adjustment assistance applicable to workers and former workers of INVISTA S.a.r.l., a wholly-owned subsidiary of Koch Industries, Inc., Waynesboro, Virginia. The determination was issued on November 14, 2014 and the Notice of Determination was published in the **Federal Register** on December 10, 2014 (79 FR 73339).

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 initial investigation resulted in a negative determination based on the findings that worker separations were unrelated to a shift in production to a foreign country or to imports by the subject firm or its customers.

The request for reconsideration asserts that the workers at the subject firm have been impacted by a continuous transfer of production to foreign countries.

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.

**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 15th day of January, 2015.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training  
Administration****Notice of Determinations 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 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of *January 5, 2015 through January 16, 2015*.

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. Section (a)(2)(A) all of the following must be satisfied:

A. 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;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. 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;

B. 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

C. one of the following must be satisfied:

1. 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;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. 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.

Also, in order for an affirmative determination to be made for secondarily affected 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(b) of the Act must be met.

(1) 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 (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits 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 for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

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

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

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

#### **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.

None.

#### **Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade 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)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

- 85,666, Philips Electronics, Fall River, Massachusetts. November 21, 2013.
- 85,682, Behr process Corporation, Chesterfield, Missouri. December 1, 2013.
- 85,686, SCHOTT North America, Inc., Duryea, Pennsylvania. December 3, 2013.
- 85,704, Performance Fibers, Inc., New Hill, North Carolina. December 8, 2013.
- 85,712, Turbomeca Manufacturing, LLC, Monroe, North Carolina. December 10, 2013.
- 85,729, General Cable Corporation, Altoona, Pennsylvania. December 16, 2013.
- 85,730, Johnston Textiles, Inc., Phoenix City, Alabama. December 16, 2013.

#### **Negative Determinations for Alternative Trade Adjustment Assistance**

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

#### **Negative Determinations for Worker Adjustment Assistance and Alternative Trade 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.

Because the workers of the firm are not eligible to apply for TAA, the

workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

85,706, Quality Auto Electric, Inc., Knoxville, Tennessee.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,615, Trane U.S. Inc., Tyler, Texas.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

- 85,661, AMFIRE Mining Company, LLC, Portage, Pennsylvania.
- 85,661A, Maxxim Shared Services LLC, Latrobe, Pennsylvania.
- 85,661B, AMFIRE Mining Company, LLC, Clymer, Pennsylvania.
- 85,661C, AMFIRE Mining Company, LLC, Frenchville, Pennsylvania.
- 85,661D, AMFIRE Mining Company, LLC, Rockwood, Pennsylvania.
- 85,661E, AMFIRE Mining Company, LLC, Indiana, Pennsylvania.
- 85,661F, AMFIRE Mining Company, LLC, Hamilton, Pennsylvania.
- 85,661G, AMFIRE Mining Company, LLC, Mineral Point, Pennsylvania.
- 85,661H, AMFIRE Mining Company, LLC, Penn Run, Pennsylvania.
- 85,661I, AMFIRE Mining Company, LLC, Indiana, Pennsylvania.
- 85,661J, AMFIRE Mining Company, LLC, Homer City, Pennsylvania.
- 85,661K, AMFIRE Mining Company, LLC, Mineral Point, Pennsylvania.
- 85,661L, AMFIRE Mining Company, LLC, Philipsburg, Pennsylvania.
- 85,661M, AMFIRE Mining Company, LLC, Clearfield, Pennsylvania.
- 85,693, Green Creek Wood Products LLC, Port Angeles, Washington.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

- 85,632, Intuit, Inc., Mountain View, California.
- 85,674, Levi Strauss & Co. Eugene, Oregon.
- 85,676, Syncreon US, Trotwood, Ohio.

#### **Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

- 85,727, Tokyo Electron America, Inc., Rio Rancho, New Mexico.
- 85,746, Pilkington North America, Inc., Lathrop, California.

I hereby certify that the aforementioned determinations were issued during the period of *January 5, 2015 through January 16, 2015*. These determinations are available on the Department's Web site [www.tradeact/taa/taa\\_search\\_form.cfm](http://www.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 23rd day of January 2015.

**Michael W. Jaffe,**

*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 March 2, 2015.

Interested persons are invited to submit written comments regarding the