

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-64,401]

Qimonda 200 MM Facility, Including On-Site Leased Workers From Tokyo Electron America, Nikon Precision, Inc., Ebara Technologies, Inc., Air Products and Chemicals, Inc., PSI Repair Services, Exel Logistics, Xperts, Inc. and KLA-Tencor and Qimonda North America Corporation, Qimonda Richmond, a Subsidiary of Qimonda AG, Sandston, VA; 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 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 11, 2008, applicable to workers of Qimonda 200MM Facility, Sandston, Virginia. The notice was published in the **Federal Register** on December 30, 2008 (73 FR 79914). The certification was amended on February 10, 2009, March 3, 2009 and March 31, 2009 to include on-site leased workers of Tokyo Electron America, Nikon Precision, Ebara Technologies and Air Products and Chemicals, Inc. and Qimonda North America Corp., Qimonda Richmond, an on-site subsidiary of the subject firm. These notices were published in the **Federal Register** on February 23, 2009 (74 FR 8111), March 11, 2009 (74 FR 10619) and April 7, 2009 (74 FR 15752) respectfully.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of DRAM semiconductor wafers.

The company reports that workers leased from PSI Repair Services, Exel Logistics, Xperts, Inc. and KLA/Tencor were employed on-site at the Sandston, Virginia location of Qimonda 200MM Facility. The Department has determined that these workers were sufficiently under the control of Qimonda 200MM Facility to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from PSI Repair Services, Exel Logistics, Xperts, Inc. and KLA/Tencor working

on-site at the Sandston, Virginia location of the subject firm.

The intent of the Department's certification to include all workers employed at Qimonda 200MM Facility, Sandston, Virginia who were adversely affected by a shift in production to a foreign country followed by increased imports of articles like or directly competitive with DRAM semiconductor wafers produced by the subject firm.

The amended notice applicable to TA-W-64,401 is hereby issued as follows:

All workers of Qimonda 200MM Facility, including on-site leased workers from Tokyo Electron America, Nikon Precision, Inc., Ebara Technologies, Inc., Air Products and Chemicals, Inc., PSI Repair Services, Exel Logistics, Xperts, Inc., and KLA-Tencor and including on-site workers of Qimonda North America Corp., Qimonda Richmond, a subsidiary of Qimonda AG, Sandston, Virginia, who became totally or partially separated from employment on or after November 11, 2007 through December 11, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 12th day of June 2009.

Elliott S. Kushner,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-64,647]

Trane US, Inc., Residential Systems Division, Including On-Site Leased Workers From Remedy Intelligent Staffing, Tyler, TX; Determination Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

On May 1, 2009, the Department issued an Affirmative Determination Regarding Application for Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 18, 2009 (74 FR 23216).

The previous investigation initiated on December 11, 2008, resulted in a negative determination issued on February 13, 2009, was based on the finding that imports of air conditioning units did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign

source occurred. The denial notice was published in the **Federal Register** on March 3, 2009 (74 FR 9279).

To support the request for reconsideration, the petitioner supplied additional information and alleged that the workers of the subject firm also manufactured components for air conditioning units and that the subject firm shifted production of these components to Mexico during the relevant period.

The Department contacted a company official of the subject firm to address this allegation. Upon further investigation, it was revealed that the workers of the subject firm did manufacture one- and two-cylinder reciprocating compressors and crankshafts during the relevant period. These workers were separately identifiable from other workers at the subject firm. The investigation also revealed that the subject firm shifted production of one- and two-cylinder reciprocating compressors and crankshafts to Mexico impacting workers engaged in the production of one- and two-cycle reciprocating compressors and crankshafts during the relevant period.

The petitioner also alleged that the subject firm is transferring the wiring department to Mexico in 2009.

The company official of the subject firm confirmed that Trane US, Inc. is considering a transfer of the wiring department to Mexico and that this transfer is currently in the planning process.

When assessing eligibility for TAA, the Department exclusively considers shifts in production which occur during the relevant time period (one year prior to the date of the petition). Events occurring in the future are outside of the relevant period and thus cannot be considered in this investigation.

Should conditions change in the future, the petitioner is encouraged to file a new petition on behalf of the worker group which will encompass an investigative period that will include these changing conditions.

The petitioner further alleged that the subject firm shifted production of gear drive centrifugal water chillers to China.

The company official stated that the workers of the subject firm did not manufacture gear drive centrifugal water chillers during the relevant period.

In accordance with Section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met for the workers engaged in production of one- and two-cylinder reciprocating compressors.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the facts obtained in the investigation, I determine that there was a shift in production of one- and two-cylinder reciprocating compressors and crankshafts from the workers' firm or subdivision to Mexico. In accordance with the provisions of the Act, I make the following certification:

"Workers of Trane US, Inc., Residential Systems Division, including on-site leased workers from Remedy Intelligent Staffing, Tyler, Texas, engaged in production of one- and two-cylinder reciprocating compressors and crankshafts, who became totally or partially separated from employment on or after December 10, 2007, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

I also determine that workers of Trane US, Inc., Residential Systems Division, Tyler, Texas, excluding workers engaged in production of one- and two-cylinder reciprocating compressors and crankshafts, are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974 and alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC this 18th day of June 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-65,139]

Weather Shield Manufacturing, Inc., Custom Products Division, Medford, WI; Notice of Negative Determination Regarding Application for Reconsideration

By application postmarked May 15, 2009, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on April 30, 2009 and published in the **Federal Register** on May 18, 2009 (74 FR 23214).

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 which was based on the finding that imports of windows and doors did not contribute importantly to worker separations at the subject plant and there was no shift of production to a foreign country in the relevant period. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining domestic customers. The Department conducted a survey of the subject firm's major declining customers regarding their purchases of windows and doors in 2007, 2008 and January through February 2009. The survey revealed no imports during the relevant period. The subject firm did not import windows and doors into the United States during the relevant period.

In the request for reconsideration, the petitioner stated that in order to reveal the import impact, the Department should change the relevant period and include events occurring in 2006.

When assessing eligibility for TAA, the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). Therefore, events occurring in

2006 are outside of this period and are not relevant in this investigation.

The petitioner 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.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After 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.

Signed in Washington, DC, this 12th day of June, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration [TA-W-64,665; TA-W-64,665A]

Alcoa Howmet Castings, a Subsidiary of Alcoa, Incorporated, Thermatech Coatings and Titanium Ingot Division, Plant #4; Whitehall, MI; Alcoa Howmet Castings, a Subsidiary of Alcoa, Incorporated, Plant #5, Whitehall, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application dated May 11, 2009, the United Automobile, Aerospace and Agricultural Implement Workers of America, Local 1243 (UAW) requested administrative reconsideration of the Department's Negative Determination regarding eligibility for workers and former workers of Alcoa Howmet Castings, a subsidiary of Alcoa, Inc., Thermatech Coatings and Titanium Ingot Division, Plant #4, Whitehall, Michigan, and Alcoa Howmet Castings, a subsidiary of Alcoa, Inc., Plant #5, Whitehall, Michigan, to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). Workers at Plant #4 produce environmental coatings and titanium ingots, and are separately identifiable by product; workers at Plant