

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 of 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.