

**Authority and Signature**

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to Sections 6(b) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655 and 657), Secretary of Labor's Order No. 4-2010 (75 FR 55355), and 29 CFR part 1911.

Signed at Washington, DC, on October 20, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010-26894 Filed 10-22-10; 8:45 am]

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**DEPARTMENT OF LABOR****Employment and Training Administration****Investigations Regarding Certifications of 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 Division 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, Division of Trade Adjustment Assistance, at the address shown below, not later than November 4, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 4, 2010. Copies of these petitions may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail, to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or to [foiarequest@dol.gov](mailto:foiarequest@dol.gov).

Signed at Washington, DC, this 14th of October 2010.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

**APPENDIX**

[TAA petitions instituted between 10/4/10 and 10/8/10]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
74691	Smurfit Stone Corporated (State/One-Stop)	Jacksonville, FL	10/06/10	09/29/10
74692	Bank of America (Workers)	Charlotte, NC	10/06/10	09/24/10
74693	UFE, Inc. (Workers)	El Paso, TX	10/06/10	09/20/10
74694	IAC Greencastle (Union)	Greencastle, IN	10/06/10	10/05/10
74695	Vico Company (Company)	Sumter, SC	10/06/10	10/04/10
74696	Motorola, Inc. (State/One-Stop)	Arlington Heights, IL	10/06/10	09/22/10
74697	Bank of America (Workers)	State College, PA	10/06/10	09/15/10
74698	Fraser, NH, LLC (Union)	Gorham, NH	10/06/10	09/28/10
74699	LabCorp (Workers)	Richardson, TX	10/06/10	09/29/10
74700	AT&T (Workers)	Reynoldsburg, OH	10/06/10	09/29/10
74701	Avaya, Inc. (State/One-Stop)	Prior Lake, MN	10/06/10	10/05/10
74702	Sperry and Rice Manufacturing Company, LLC (Workers)	Killbuck, OH	10/08/10	10/04/10
74703	Aviat, U.S., Inc. (Company)	Santa Clara, CA	10/08/10	10/06/10
74704	SuperValu, Inc. (State/One-Stop)	Hopkins, MN	10/08/10	10/06/10
74705	Moll Industries (Workers)	Seagrove, NC	10/08/10	10/04/10
74706	Busch Agricultural Resources, LLC (Workers)	Manitowoc, WI	10/08/10	09/01/10
74707	Biomet (Workers)	Parsippany, NJ	10/08/10	10/07/10

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

[TA-W-70,395]

**Dawson Metal Company, Inc., Industrial Division, Jamestown, NY; Notice of Negative Determination on Reconsideration**

On January 21, 2010, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The

Department's Notice of affirmative determination was published in the **Federal Register** on February 16, 2010 (75 FR 7030). The workers are engaged in employment related to precision sheet metal fabrication.

The initial negative determination based on the findings that the subject firm did not increase their imports of articles like or directly competitive with the articles produced by the workers during the relevant period and did not shift to a foreign country the production of like or directly competitive articles. Further, a survey of the major declining customer of the subject firm regarding

purchases of precision sheet metal fabrication for 2007, 2008, and January through April 2009 revealed decreased imports. The investigation also revealed that the subject firm is not a supplier or downstream producer to a firm that employed a worker group eligible to apply for Trade Adjustment Assistance (TAA).

In the request for reconsideration, the petitioner alleged that, in November 2008, the subject firm's largest customer transferred forty percent of its base contract for self check-out cabinets to a firm in Canada, and that the shift in supplier caused a downturn in business for the subject firm and the subsequent worker separations.

In response to the request, the Department sought further details about the circumstances surrounding the separations, especially the relationship between the separations and the alleged decline in sales to a customer which allegedly began to outsource like and directly competitive articles from a Canadian firm.

The reconsideration investigation revealed that the workers are separately identifiable by product line and that the subject firm sold two types of precision sheet metal fabrication to the customer named in the request for reconsideration: Sheet metal cabinets for self check-out units, and sheet metal parts to modify those basic cabinets to accommodate a variety of peripherals, such as computers and cameras.

The reconsideration investigation regarding self check-out units revealed that the subject firm's largest customer did transfer a significant proportion of its purchases of such cabinets for self check-out units to a foreign source; however, during the relevant period sales of these self check-out cabinets to this customer increased significantly.

Further, an analysis revealed that, although the subject firm's share of cabinet purchases by this customer declined, that customer so greatly increased the amount of its purchases of self check-out cabinets overall that its purchases of those items from the subject firm actually increased significantly.

Additionally, during the reconsideration investigation, the subject firm provided the Department with the names of its four largest declining customers.

During the course of the original investigation, customer surveys were conducted for two firms which accounted for 68% percent of the decline in sales of the subject firm during the first four months of 2009. Those surveys revealed that one company did not import any like or

directly competitive articles during the relevant period, while the other decreased its imports of like and directly competitive articles by 98 percent during the same period.

During the reconsideration investigation, the Department contacted a third company but did not survey the customer because of the relatively insignificant scale of the customer's decline. The fourth customer was the customer identified in the request for reconsideration. Because self check-out unit sales by the subject firm to this customer increased during the relevant period (as stated above) and the workers of the subject firm are separately identifiable by product line, the Department did not survey this customer.

### Conclusion

After a careful review of information obtained during the reconsideration investigation and previously-submitted information, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Dawson Metal Company, Inc., Industrial Division, Jamestown, New York.

Signed in Washington, DC, this 7th day of October 2010.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2010-26769 Filed 10-22-10; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-71,863]

#### United Auto Workers Local 1999, Oklahoma City, OK; Notice of Negative Determination Regarding Application for Reconsideration

By application dated January 20, 2010, workers 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 United Auto Workers Local 1999, Oklahoma City, Oklahoma (the subject firm). The determination was signed on November 23, 2009. The Notice of determination was published in the **Federal Register** on January 25, 2010 (75 FR 3939).

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 negative determination of the petition filed on behalf of workers at United Auto Workers Local 1999, Oklahoma City, Oklahoma, was based on the findings that the workers at the subject firm did not supply services that support the production at the General Motors sport utility vehicle (SUV), Oklahoma City, Oklahoma plant, as alleged in the petition, and are not adversely-affected secondary workers.

In the request for reconsideration, the workers rely solely on the subject firm's relationship with the General Motors SUV plant in Oklahoma City, Oklahoma. Workers at that facility had been certified eligible to apply for TAA under TA-W-63,965 (issued on October 8, 2008). The workers in the request for reconsideration states that "our firm is still operating and servicing General Motors and its workers/retirees" even though the plant at issue was permanently closed in September 2008.

The workers also stated they are seeking TAA certification as secondarily-affected workers because the subject firm "was and is a supplier or downstream producer to the General Motors SUV plant which employed a group of workers who received certification of eligibility under Section 222(a) of the Act."

The initial investigation by the Department, however, and the documentation of the subject firm's activities which accompanied the request for reconsideration, reveal that the subject firm is not a Supplier or Downstream Producer to the General Motors SUV plant at issue. Specifically, the headings given to the documentation which accompanied the request for reconsideration illustrate that the subject firm did not supply services to the General Motors SUV plant in Oklahoma City, Oklahoma that were directly used in the production of the article that was the basis for certification of TA-W-63,965. For example, under the overall heading of "Advertising, Publicity and Community Awareness" was "Annual Oklahoma State Fair Booth"; "Parades"; "Trade Shows" and under the overall heading of "Employee Classes/Services" was "Pre- and Post-Retirement Classes"; "Job