

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
74,653 .....	Unicare, WellPoint, Inc .....	Plano, TX .....	
74,733 .....	Xpedite Systems, LLC, Easylink Services International Corporation ..	Deerfield Beach, FL .....	
74,870 .....	International Business Machines (IBM), Global Technology Services, SSO Band Support Capital One.	Plano, TX .....	

**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 website, 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determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA-W No.	Subject firm	Location	Impact date
75,046 .....	Macsteel Service Centers USA .....	Liverpool, NY .....	

The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed

by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under Section 223(b), and

therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

TA-W No.	Subject firm	Location	Impact date
75,098 .....	IBM .....	Research Triangle Park, NC .....	

I hereby certify that the aforementioned determinations were issued during the period of January 24, 2011 through January 28, 2011. Copies of these determinations 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 [tofoiarequest@dol.gov](mailto:tofoiarequest@dol.gov). These determinations also are available on the Department’s Web site at <http://www.doleta.gov/tradeact> under the searchable listing of determinations.

Dated: February 2, 2011.

**Elliott S. Kushner,**  
*Certifying Officer, Office of Trade Adjustment Assistance.*

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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 February 22, 2011.

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 February 22, 2011.

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 31st day of January 2011.

**Elliott S. Kushner,**  
*Certifying Officer, Office of Trade Adjustment Assistance.*

## APPENDIX

[TAA petitions instituted between 1/24/11 and 1/28/11]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
75127	Ashland Hercules Water Technologies (Workers)	Louisiana, MO	01/24/11	01/20/11
75128	Olympic Fabrication LLC (State/One-Stop)	Shelton, WA	01/24/11	01/20/11
75129	Randstadt (State/One-Stop)	Yakima, WA	01/24/11	01/20/11
75130	FTCA (Union)	Somerset, PA	01/24/11	01/21/11
75131	JLG Industries, Inc. (State/One-Stop)	Hagerstown, MD	01/25/11	01/24/11
75132	NIOXIN Research Laboratories, Inc. (Company)	Lithia Springs, GA	01/25/11	12/31/10
75133	McComb Mill Warehouse (Company)	McComb, MS	01/25/11	01/12/11
75134	Veyance Technologies, Inc. (Company)	Lincoln, NE	01/25/11	01/24/11
75135	Flowserve (State/One-Stop)	Albuquerque, NM	01/25/11	01/21/11
75136	The Connection (Workers)	Penn Yan, NY	01/25/11	01/24/11
75137	John Crane, Inc. (Company)	Cranston, RI	01/25/11	01/24/11
75138	Ashland Foundry and Machine Works, Inc. (Union)	Ashland, PA	01/25/11	01/24/11
75139	Somanetics (Workers)	Troy, MI	01/25/11	01/24/11
75140	Holland Consulting (Company)	Enumclaw, WA	01/26/11	01/25/11
75141	Wellpoint (Workers)	Green Bay, WI	01/26/11	01/20/11
75142	Oak Creek Consolidated, Inc. (Company)	Yorktown, VA	01/26/11	01/25/11
75143	Alliance Group Technologies, Inc. (Workers)	Peru, IN	01/27/11	01/26/11
75144	Cincinnati Tyrolit, Inc. (State/One-Stop)	Cincinnati, OH	01/28/11	01/27/11
75145	Volvo Information Technology (State/One-Stop)	Greensboro, NC	01/28/11	01/27/11
75146	Berkley Surgical (Workers)	Uniontown, PA	01/28/11	01/26/11

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## DEPARTMENT OF LABOR

## Employment and Training Administration

[TA-W-74,566]

**Bob Evans Farms, Inc., an Ohio Corporation, a Subsidiary of Bob Evans Farms, Inc., a Delaware Corporation, Galva, Illinois; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated November 12, 2010, 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 Bob Evans Farms, Inc., an Ohio Corporation, a subsidiary of Bob Evans Farms, Inc., a Delaware Corporation, Galva, Illinois. The negative determination was issued on October 15, 2010, and the Notice of Determination was published in the *Federal Register* on November 3, 2010 (75 FR 67773). The workers produce sausage rolls and links. The petitioner alleged that worker separations are due to increased imports of sows.

The negative determination was issued based on the findings that there have not been increased imports of articles like or directly competitive with those produced by the subject firm, there has not been a shift of production by the subject firm to a foreign country,

and the workers are not adversely-affected secondary workers.

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 states that "with the increased importation of sows (the main component in the production of pork sausage) from Canada, the cost of production of the finished sausage product increased. The workers' hours of production were decreased due to the cost of importation of Canadian sows to the Galva, Illinois plant." Because this allegation is identical to the petition allegation and has been addressed in the initial investigation, 29 CFR 90.18(c)(1) and (2) have not been met.

The request for reconsideration also infers that increased imports of a component part (sows) are a basis for certification of a worker group that produces the finished article (sausage).

The initial determination was based on the finding that there have not been increased imports of articles like or directly competitive with the sausage rolls or links produced by the subject firm. 29 CFR 90.2 states that "*like or*

*directly competitive means that like articles are those which are substantially identical in inherent or intrinsic characteristics (i.e., materials from which the articles are made, appearance, quality, texture, etc.); and directly competitive articles are those, although not substantially identical in their inherent or intrinsic characteristics, are substantially equivalent for commercial purposes (i.e., adapted to the same uses and essentially interchangeable therefore)."* Because sows are neither like nor directly competitive with sausage rolls or links, the certification of a worker group engaged in the production of finished articles (sausage rolls and links) cannot be based on increased imports of components (sows). Therefore, 29 CFR 90.18(c)(3) has not been met.

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