

## 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

reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 26th day of January, 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011-2966 Filed 2-9-11; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-72,740]

#### Bruss North America Russell Springs, Kentucky; Notice of Revised Determination on Reconsideration

Following the issuance of a determination applicable to workers and former workers of Bruss North America, Russell Springs, Kentucky (subject firm), regarding their application for Trade Adjustment Assistance (TAA), the Department received new information relevant to the case. The initial determination was issued on May 28, 2010. The Department's Notice of Determination was published in the **Federal Register** on June 16, 2010 (75 FR 34175). The subject workers are engaged in employment related to the production of automobile parts and component parts. The worker group does not include any on-site leased workers.

New information obtained during a recent investigation for the subject firm revealed that there was a mistake of facts which were previously considered in the immediate case. Upon review, the Department has determined that the workers and former workers of Bruss North America, Russell Springs, Kentucky, who are engaged in employment related to the production of automobile parts and component parts, meet the criteria as Suppliers for secondary worker certification.

Criterion I has been met because a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened with separation.

Criterion II has been met because workers of Bruss North America, Russell Springs, Kentucky produced and sold automobile parts and component parts for a firm that employed a worker group eligible to apply for TAA and the component parts are related to the article that was the basis for the TAA certification.

Criterion III has been met because the loss of business by Bruss North

America, Russell Springs, Kentucky with the aforementioned firm, with respect to automobile parts and components sold to the firm, contributed importantly to worker separations at Bruss North America, Russell Springs, Kentucky.

#### Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of the subject firm, who are engaged in employment related to the supply of automobile parts and components, meet the worker group certification criteria under Section 222(c) of the Act, 19 U.S.C. 2272(c). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

"All workers of Bruss North America, Russell Springs, Kentucky, who became totally or partially separated from employment on or after October 31, 2008, through two years from the date of this revised certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended."

Signed in Washington, DC, this 2nd day of February, 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## LIBRARY OF CONGRESS

### Copyright Royalty Board

[Docket No. 2008-2 CRB CD 2000-2003 (Phase II)]

#### Distribution of 2000, 2001, 2002, and 2003 Cable Royalty Funds

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Notice announcing commencement of Phase II proceeding with request for Petitions to Participate.

**SUMMARY:** The Copyright Royalty Judges are announcing the commencement of a proceeding to determine the Phase II distribution of 2000, 2001, 2002, and 2003 royalties collected under the cable statutory license. The Judges are also announcing the date by which a party who wishes to participate in this distribution proceeding must file its Petition to Participate and the accompanying \$150 filing fee, if applicable.

**DATES:** Petitions to Participate and the filing fee are due on or before March 14, 2011.

**ADDRESSES:** An original, five copies, and an electronic copy in Portable Document Format (PDF) on a CD of the Petition to Participate, along with the \$150 filing fee, may be delivered to the Copyright Royalty Board by either mail or hand delivery. Petitions to Participate and the \$150 filing fee may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), Petitions to Participate, along with the \$150 filing fee, must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977. If hand delivered by a private party, Petitions to Participate, along with the \$150 filing fee, must be brought to the Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial courier, Petitions to Participate, along with the \$150 filing fee, if applicable, must be delivered to the Congressional Courier Acceptance Site, located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM-403, 101 Independence Avenue, SE., Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia Brent, CRB Program Specialist, by telephone at (202) 707-7658, or e-mail at [crb@loc.gov](mailto:crb@loc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Each year, semiannually, cable systems must submit royalty payments to the Copyright Office as required by the cable statutory license for the privilege of retransmitting over-the-air television and radio broadcast signals. 17 U.S.C. 111. These royalties are then distributed to copyright owners whose works were included in such retransmissions and who timely filed a claim for royalties. Distribution of the royalties for each calendar year are determined by the Copyright Royalty Judges ("Judges") in two phases. At Phase I, the royalties are divided among the representatives of the major categories of copyrightable content (movies, sports programming, music, etc.) requesting the distribution. At Phase II, the royalties are divided among the various copyright owners within each category.

The Judges published their final determination regarding the Phase I