

issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 14, 2009, applicable to workers of Delphi Steering, including on-site leased workers from Bartech and Securitas, Saginaw, Michigan. The notice was published in the **Federal Register** on September 2, 2009 (74 FR 45477).

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 steering systems and components such as steering columns, gears, pumps and electronic power steering systems.

The company reports that on-site leased workers from Acro Service Corp., Aerotek, Inc., Continental, Inc., Dynamic Corp., G-Tech Professional Staffing, Inc., GlobalEdge Technologies, Inc. (formerly CAE Tech), Gonzalez Contract Services, Integrated Partners Group LLC, Kelly Services, Manpower, Inc., Rapid Global Business Solutions, Inc., TAC Worldwide, Trialon Corp., Trison Business Solutions and Wright K. Technologies were employed on-site at the Saginaw, Michigan location of Delphi Steering. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from the above mentioned firms working on-site at the Saginaw, Michigan location of Delphi Steering.

The amended notice applicable to TA-W-70,460 is hereby issued as follows:

All workers of Delphi Steering, including on-site leased workers from Bartech, Securitas, Acro Service Corp., Aerotek, Inc., Continental, Inc., Dynamic Corp., G-Tech Professional Staffing, Inc., GlobalEdge Technologies, Inc., (formerly CAE Tech), Gonzalez Contract Services, Integrated Partners Group LLC, Kelly Services, Manpower, Inc., Rapid Global Business Solutions, Inc., TAC Worldwide, Trialon Corp., Trison Business Solutions, and Wright K. Technologies, Saginaw, Michigan, who became totally or partially separated from employment on or after May 20, 2008, through July 14, 2011, 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 at Washington, DC, this 7th day of October 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-60,808]

Invista, S.A.R.L., Nylon Apparel Filament Fibers Group, a Subsidiary of Koch Industries, Inc.; Chattanooga, TN; Notice of Revised Determination on Remand

On June 18, 2009, the U.S. Court of International Trade (USCIT) remanded to the Department of Labor's motion for further investigation the matter *Former Employees of Invista, S.A.R.L. v. U.S. Secretary of Labor*, Court No. 07-00160.

On December 15, 2006, an official of Invista, S.A.R.L., Nylon Apparel Filament Fibers Group, A Subsidiary of Koch Industries, Inc., Chattanooga, Tennessee (Invista) filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers and former workers at Invista engaged in activity related to the production of nylon fiber. AR 1. The petition stated that the separations were due to a shift in production to Mexico that was the basis for a certification that expired on August 20, 2006 (TA-W-55,055). AR 2. The company official stated that, as of February 1, 2007, all workers of Invista would be terminated from employment. AR 7.

On February 7, 2007, the Department of Labor (Department) issued a negative determination regarding workers' eligibility to apply for TAA/ATAA. AR 30-32. On February 21, 2007, the Department's Notice of determination was published in the **Federal Register** (72 FR 7909). AR 43.

In support of a request for administrative reconsideration (dated February 18, 2007), a worker stated that the workers' separations are "a direct result of the textile industry going to developing countries." AR 38.

In a letter dated March 15, 2007, the Department stated that the request for reconsideration was being dismissed because insufficient evidence was furnished to warrant reconsideration pursuant to 29 CFR 90.18(c) and that the shift in production that was the basis for the certification of TA-W-55,055 occurred outside the relevant period.

AR 45. The Dismissal of Application for Reconsideration was issued on March 21, 2007. AR 47. The Department's Notice of dismissal was published in the **Federal Register** on March 30, 2007 (72 FR 15169). AR 48.

On May 11, 2007, Plaintiffs sought review by the USCIT. The Plaintiffs assert that the worker separations are due to Invista's shift in production to Mexico.

On March 27, 2008, the USCIT granted the Department's motion for voluntary remand and directed the Department to conduct further investigation to determine whether workers of Invista are eligible to apply for TAA and ATAA.

On June 2, 2008, the Department issued a Notice of Negative Determination on Remand based on the finding that there was no causal nexus between the worker separations and an earlier shift in production to Mexico of articles like or directly competitive with nylon fiber produced at Invista. SAR 35. The Department's Notice of determination was published in the **Federal Register** on June 10, 2008 (73 FR 32739). SAR 42.

On June 18, 2009, the USCIT ordered the Department to conduct further investigation to determine whether workers of Invista are eligible to apply for TAA and ATAA.

The group eligibility requirements for directly-impacted (primary) workers under Section 222(a) of the Trade Act of 1974, as amended, can be satisfied in either of two ways:

I. Section (a)(2)(A)—all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B)—both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;
2. The country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or
3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

During the second remand investigation, the Department obtained additional information regarding Invista's shift in production of nylon fiber to Mexico, Invista's business decisions related to the post-shift reorganization, and the subsequent worker separations at Invista. SAR 67–71.

Following a careful review of the information obtained during its investigations, the Department determined that a significant portion or number of workers at Invista was separated and that there was a shift in production to Mexico of articles like or directly competitive with nylon fiber produced at Invista. Therefore, the Department determines that the group eligibility requirements under Section 222(a)(2)(B) the Trade Act of 1974, as amended, have been met.

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

The Department has determined in this case that the group eligibility requirements of Section 246 have been met.

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 generated through the first and second remand investigations, I determine that a shift in production by Invista to Mexico of articles like or directly competitive to nylon fiber produced at Invista contributed to the total or partial separation of a significant number or proportion of workers at Invista.

In accordance with the provisions of the Act, I make the following certification:

All workers of Invista, S.A.R.L. Nylon Apparel Filament Fibers Group, A Subsidiary of Koch Industries, Inc., Chattanooga,

Tennessee, who became totally or partially separated from employment on or after August 21, 2006, through two years from the issuance of this revised determination are eligible to apply for Trade 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.

Signed at Washington, DC, this 8th day of September 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

TA–W–64,643, Chrysler LLC, Headquarters, Including On-Site Leased Workers From Aerotek, Ajilon, et al., Auburn Hills, MI; TA–W–64,643A, Chrysler LLC, Technology Center, Including On-Site Leased Workers From Aerotek, Ajilon, et al., Auburn Hills, MI; TA–W–64,643B, Chrysler LLC, Featherstone, Including On-Site Leased Workers From Aerotek, Bartech Group, et al., Auburn Hills, MI; TA–W–64,643C, Chrysler LLC, Chrysler Office Building, Including On-Site Leased Workers From Aerotek, Ajilon, et al., Auburn Hills, MI; 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 19, 2008, applicable to workers of Chrysler LLC, Headquarters, Auburn Hills, Michigan, Chrysler LLC, Technology Center, Auburn Hills, Michigan and Chrysler LLC, Featherstone, Auburn Hills, Michigan. The notice was published in the **Federal Register** on January 14, 2009 (74 FR 2136). The notice was amended on April 24, 2009 to include on-site leased workers. The Notice was published in the **Federal Register** on May 18, 2009 (74 FR 23216). The notice was amended again on August 27, 2009 to include workers at the Chrysler Office Building, an annex of the Headquarters at the Auburn Hills Complex. The notice was published in the **Federal**

Register on September 22, 2009 (74 FR 48297)

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in activities related to the production automotive vehicles and automotive vehicle parts.

New information shows that workers leased from the INCAT, Ta Ta Technologies, TechOps and Tech Team Global were employed on-site at the Auburn Hills, Michigan locations of the above mentioned plants of Chrysler LLC.

The Department has determined that these workers were sufficiently under the control of Chrysler LLC, Headquarters, Technology Center, Featherstone and Chrysler Office Building to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from INCAT, Ta Ta Technologies, TechOps and Tech Team Global working on-site at the Auburn Hills, Michigan locations of the subject firm.

The amended notice applicable to TA–W–64,494 is hereby issued as follows:

All workers of Chrysler LLC, Headquarters, including on-site leased workers from Aerotek, Ajilon, Argos, ASG Renaissance, Bartech, Group, CDI Information Services, Computer Consultants of America, Computer Engrg Services, Epitex Group, Gtech Professional Staffing, JDM Systems Consultants, Kelly Services, Preferred Solutions, Resource Technologies, Spherion, Synova, and TAC Transportation, INCAT, Ta Ta Technologies, TechOps and Tech Team Global, Auburn Hills, Michigan (TA–W–64,643), Chrysler LLC, Technology Center, including on-site leased workers from Aerotek, Ajilon, Altair Engineering, Applied Technologies, Argos, ASG Renaissance, Automated Analysis Corp/Belcan, Bartech Group, CAE Tech, CDI Information Services, CER–CAD Engineering Resources, Computer Consultants of America, Computer Engrg Services, Compuware, Controller Technologies, Data Communications Corp., Emerging Technologies Corp., Engineering Technology Assoc., Gonzalez Design Engineering, Gtech Professional Staffing, Incat, Jefferson Wells International, Kelly Services, Magnasteyr, Meda Technical Services, Modern Professional Services, MSX International, Optical Q Quest Corp., Quantum Consultants, Rapid Global Business, Resource Technologies, Ricardo, RSB Systems, Spherion, Synova, Syntel Int'l, Systems Technology, TAC Transportation, TEC, Technical Training, UGS PLM Solutions, Unique Systems Design, Valley Forge, Wel-Tek International, INCAT, Ta Ta Technologies TechOps and Tech Team Global, Auburn Hills, Michigan (TA–W–64,643A), Chrysler LLC, Featherstone, including on-site leased workers from