

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

[TA-W-62,947]

**Norcal Pottery Products, Macramé Department, Richmond Distribution Center, Richmond, CA; Notice of Negative Determination on Reconsideration**

On April 30, 2008, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 7, 2008 (73 FR 25772).

The TAA petition, which was filed on behalf of workers at Norcal Pottery Products, Macramé Department, Richmond Distribution Center, Richmond, California engaged in the production of macramé plant hangers was denied based on the findings that during the relevant time period, the subject company did not separate or threaten to separate a significant number or proportion of workers, as required by Section 222 of the Trade Act of 1974.

In the request for reconsideration, the petitioner stated that the subject firm contracted five independent contractors to produce macramé plant hangers. The petitioner also stated that the contracts between the subject firm and the contractors were terminated in 2007. The petitioner seems to allege that because the workers were contracted to perform production for the subject firm, they should be considered as employees of the subject firm and, therefore, eligible for Trade Adjustment Assistance. To support the allegations, the petitioner attached copies of the "Independent Contractor Agreement".

To determine whether five contracting workers were employees of the subject firm, on-site leased workers, or workers under the control of the subject firm and whether there was a significant proportion of workers separated or threatened with separations at the subject company during the relevant time period, the Department contacted the subject firm's company official and requested employment figures for the relevant employment data (for one year prior to the date of the petition and any imminent layoffs).

The company official stated that five independent contractors were not employees of Norcal Pottery Products, Macramé Department, Richmond Distribution Center, Richmond, California, and they were not leased workers employed on-site of the subject

facility. It was revealed that the independent contractors produced macramé plant hangers at their homes. The company official also stated that the nature of the business between the subject firm and the independent contractors was determined by the contractual agreement, which underlines no operational control by Norcal Pottery Products over these independent contractors.

The Department carefully reviewed the Independent Contract Agreement provided by the petitioner to determine whether there was operational control by the subject firm over the contracted workers. According to the document, the relationship between the parties is described as two independent entities "engaged in a separate business enterprise". It states that the "contractor is free to contract similar services to be provided for other customers". The Agreement also states that "Company is concerned only with the act of completion of the work," and that "the conduct and control of the work to be provided by Contractor will lie solely with the Contractor, who alone shall be in control" of the work. Furthermore, the agreement allows the contractor to employ or utilize other persons to carry out the terms of the Agreement under contractor's control.

The investigation on reconsideration determined that five contractors claiming to be employees of Norcal Pottery Products, Macramé Department, Richmond Distribution Center, Richmond, California were not employees of the subject firm or leased workers employed on-site of the subject facility. The investigation also revealed that the independent contractors were not under operational control of the subject facility, and thus cannot be considered to be a part of the worker group employed by the subject firm.

After careful review of the information provided on reconsideration, it was revealed that Norcal Pottery Products, Macramé Department, Richmond Distribution Center, Richmond, California is a distribution facility and no production of macramé plant hangers took place at the subject location. Moreover, a review of the records provided by the company official established that only two workers were separated from the subject facility during the relevant time period.

**Conclusion**

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Norcal Pottery Products, Macramé Department,

Richmond Distribution Center, Richmond, California.

Signed at Washington, DC, this 1st day of July, 2008.

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

[FR Doc. E8-16078 Filed 7-14-08; 8:45 am]

**BILLING CODE 4510-FN-P**

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

[TA-W-63,418]

**Gramercy Jewelry Manufacturing Corporation, New York, NY; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated June 19, 2008, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of Gramercy Jewelry Manufacturing Corporation, New York, New York, to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The negative determination was issued on June 10, 2008. The Department's notice of determination was published in the **Federal Register** on June 27, 2008 (73 FR 36576).

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 TAA petition, which was filed on behalf of workers at Gramercy Jewelry Manufacturing Corporation, New York, New York engaged in the production of jewelry, was denied based on the findings that sales and production at the subject firm did not decrease from 2006 to 2007 or from January through April 2008, when compared with the same period in 2007. The investigation also revealed no shift in production to a foreign country in the relevant time period.

In the request for reconsideration, the company official stated that he disagrees with the investigation and that the

subject firm "laid off about 25 employees." The company official did not supply any additional information regarding sales or production that would warrant reopening the investigation.

After careful review of the request for reconsideration, the Department determines that none of the circumstances under 29 CFR 90.18(c) for granting reconsideration have 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 at Washington, DC this 8th day of July 2008.

**Linda G. Poole,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-16079 Filed 7-14-08; 8:45 am]

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## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Request for Certification of Compliance—Rural Industrialization Loan and Grant Program**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of two (2) individual "Certification of Non-Relocation and Market and Capacity Information Reports" (Form 4279-2) for the following:

*Applicant/Location:* Central Pork Packers, LLC/Cherokee, Iowa and Rock Rapids, Iowa.

*Principal Product/Purpose:* The loan, guarantee, or grant applications are for two (2) new business ventures that plan to separately acquire for each location the infrastructure, building, and equipment needed for pork animal slaughtering. The NAICS industry code for both enterprises is: 311611 Animal (except Poultry) Slaughtering.

**DATES:** All interested parties may submit comments in writing no later than July 29, 2008. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D.

Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210; or e-mail *Dais.Anthony@dol.gov*; or transmit via fax (202) 693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:**  
Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR Part 75, authorizes the United States Department of Agriculture to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed: at Washington, DC this 9th of July, 2008.

**Gay M. Gilbert,**  
*Administrator, Office of Workforce Investment, Employment and Training Administration.*

[FR Doc. E8-16145 Filed 7-14-08; 8:45 am]

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## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

**[TA-W-62,875]**

#### **Bolton Metal Products Co., Including On-Site Leased Workers of Adecco Staffing, Bellefonte, PA; Amended Notice of Revised Determination on Reconsideration**

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 Notice of Revised Determination on Reconsideration on May 9, 2008. The notice was published in the **Federal Register** on May 15, 2008 (72 FR 28169-28170).

At the request of the petitioners, the Department reviewed the Notice of Revised Determination on Reconsideration for workers of the subject firm. The workers are engaged in the production of brass rod, wire and low melt alloys. The workers are separately identifiable by product line.

New information shows that leased workers of Adecco Staffing were employed on-site at the Bellefonte, Pennsylvania location of Bolton Metal Products, Co. The Department has determined that these workers were sufficiently under the control of Bolton Metal Products Co. to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers of Adecco Staffing working on-site at the Bellefonte, Pennsylvania location of the subject firm.

The intent of the Department's certification is to include all workers employed at Bolton Metal Products Co., Bellefonte, Pennsylvania who were adversely-impacted by increased imports of brass rod, wire, and low melt alloys.

The amended notice applicable to TA-W-62,875 is hereby issued as follows:

"All workers of Bolton Metal Products Co., including on-site leased workers of Adecco Staffing, Bellefonte, Pennsylvania, who became totally or partially separated from employment on or after February 18, 2007, through May 9, 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 26th day of June 2008.

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

[FR Doc. E8-16077 Filed 7-14-08; 8:45 am]

**BILLING CODE 4510-FN-P**