APPENDIX—Continued

[TAA petitions instituted between 10/12/10 and 10/15/10]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
74720	Environ Biocomposites Manufacturing, LLC (State/One-Stop).	Mankato, MN	10/14/10	10/11/10
74721	Dillard's, Inc. (State/One-Stop)	Little Rock, AR	10/14/10	10/12/10
74722	Allied Marketing Group (Company)	Dallas, TX	10/14/10	10/08/10

[FR Doc. 2010–27755 Filed 11–2–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–73,503]

Compass Group USA, Inc., Canteen, Webster City, Iowa; Notice of Negative Determination on Reconsideration

On September 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 notice was published in the **Federal Register** on September 29, 2010 (75 FR 60139).

The initial investigation resulted in a negative determination based on the finding that the subject firm did not, during the investigation period, shift to a foreign country services like or directly competitive with the cafeteria services or vending machine services supplied by the workers or acquire from a foreign country services like or directly competitive with the cafeteria services or vending machine services supplied by the workers; that the workers' separation, or threat of separation, was not related to any increase in imports of like or directly competitive food services or a shift in service/acquisition of such food services abroad; and that the workers did not supply a service that was directly used in the production of an article or the supply of service by a firm that employed a worker group that is eligible to apply for TAA based on the afore-mentioned article or service.

In the request for reconsideration, the petitioner stated that the workers of the subject firm were service workers who provided food services to employees of Electrolux Home Products, Inc., Electrolux Major Appliances Division, Webster City, Iowa, who have been certified eligible for Trade Adjustment Assistance (TA–W–70,123, signed June 25, 2009). The petitioner went on to assert that the situation of the Compass Group workers was the same as that of employees of Premier Manufacturing Support Services, a services provider to General Motors, Spring Hill, Tennessee, who were certified eligible to apply for TAA on March 12, 2010 (TA–W–72,379).

The difference in the outcome of the two cases results from the difference in the companies' relationships to the production processes at the respective Electrolux and General Motors plants. The workers of Premier Manufacturing Support Services provided services (janitorial, maintenance, and hazardous waste disposal) that were directly involved in the production process at General Motors, Spring Hill, Tennessee. In contrast, the workers of the subject firm provided services (cafeteria services and vending machine services) that are not directly involved in the production process at Electrolux Home Products, Inc., Electrolux Major Appliances Division, Webster City, Iowa.

During the course of the reconsideration investigation this office inquired into the relationship between Electrolux and the subject firm. It was determined that Electrolux exercised no day-to-day operational control over the employees of the subject firm. Consequently, the workers cannot be considered employees of Electrolux, but only of the subject firm, Compass Group USA.

Furthermore, it should be noted that employees of American Food and Vending, Spring Hill, Tennessee, who provided food services to employees at that same General Motors plant in Spring Hill, Tennessee, were denied TAA certification (TA–W–72,606, signed March 19, 2010).

In the request for reconsideration, the petitioner also asserted that the decision in the subject case is "contrary to the intent of the U.S. Congress in light of the changes [regarding service providers] it made to trade adjustment assistance by passage of the Trade Globalization Adjustment Assistance Act of 2009" and that in making those changes "one can only conclude that the U.S. Congress intended a broad interpretation" of the phrase "service used in the production of articles or in the supply of service, * * *."

This office does not find that argument compelling and is not prepared to certify the workers in this case on the basis of the broad reading of the law given by the petitioner.

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 reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Compass Group USA, Inc., Canteen, Webster City, Iowa.

Signed at Washington, DC, this 22nd day of October 2010.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2010–27760 Filed 11–2–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,116]

Washington Department of Transportation, Olympic Division, Aberdeen Maintenance Office, Chehalis Drawbridge Tenders, Aberdeen, WA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated July 9, 2010, the Washington State Labor Council, AFL–CIO, requested administrative reconsideration of the negative determination regarding workers'

eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject public agency. The determination was issued on June 17, 2010, and the Notice of Determination was published in the **Federal Register** on July 1, 2010 (75 FR 38142).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the TAA petition filed on behalf of workers at Washington Department of Transportation, Olympic Division, Aberdeen Maintenance Office, Chehalis Drawbridge Tenders, Aberdeen, Washington, was based on the finding that the public agency (the Chehalis Drawbridge) that is the subject of this case did not acquire services like or directly competitive to drawbridge operation and maintenance services from a foreign country.

In the request for reconsideration the petitioning union official stated that the workers of the subject firm should be eligible for TAA because the initial decision was based on a misinterpretation of the new language for certification of public entities. The petitioner alleged that the bridge tenders lost their jobs due to the closure of several upstream facilities (notably the Weyerhaeuser complex, for which there are several current certifications), and those plant closures lessened river traffic to the point that the bridge operated by the workers laid off by the subject agency could go unattended. The petitioner refers to the bridge and its tenders as a secondary supplier which he believes should qualify for benefits because of their relationship to the certified Weyerhaeuser facilities upriver from the bridge.

The group eligibility requirements for workers of a Public Agency can only be satisfied if the criteria as depicted in the initial decision are 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 8th day of October, 2010.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2010–27762 Filed 11–2–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Comment Request; Review of Productivity Statistics

ACTION: Notice of solicitation of comments.

SUMMARY: The Department of Labor through the Bureau of Labor Statistics (BLS) is responsible for publishing measures of labor productivity and multifactor productivity for major sectors and industries of the United States economy. BLS periodically conducts formal reviews of its programs in order to assess their content, methodology, efficiency, and effectiveness. To enhance the quality and relevance of productivity data, BLS is soliciting comments on the scope and coverage of these data, on the methods used in constructing them, and on areas of interest for future program development.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before December 3, 2010.

ADDRESSES: Send comments to Michael J. Harper, Office of Productivity and Technology, Bureau of Labor Statistics, Room 2150, 2 Massachusetts Avenue, NE., Washington, DC 20212 or by e-mail to: *optfeedback@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Michael J. Harper, Office of Productivity and Technology, Bureau of Labor Statistics, telephone number 202–691–5600, or by e-mail at *optfeedback@bls.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor through the Bureau of Labor Statistics (BLS) is responsible for publishing measures of labor productivity and multifactor productivity for major sectors and industries of the United States economy. The Office of Productivity and Technology (OPT) differs from other BLS programs in that it does not conduct surveys to collect data. Instead, it produces productivity estimates from published and unpublished data collected and compiled by other BLS programs, the Bureau of Economic Analysis, the Census Bureau, other Federal statistical agencies, and the Board of Governors of the Federal Reserve System.

Labor productivity is defined as output per hour worked. BLS reports quarterly on productivity growth and its components (output and hours) and on other measures, such as unit labor costs and hourly compensation. These measures are produced for the business, nonfarm business, and manufacturing sectors, and for nonfinancial corporations. The quarterly measures are designated by the Office of Management and Budget as a Principal Federal Economic Indicator. BLS also produces annual measures of labor productivity for about 400 detailed industries. BLS labor productivity data are available at the following Internet address: *http://www.bls.gov/lpc/.*

BLS also produces estimates of multifactor productivity (MFP), which is defined as output per unit of combined inputs. The combined inputs include hours and capital services; in some cases, additional inputs include labor composition and intermediate goods and services. BLS reports MFP growth, along with its components (output, capital, hours, *etc.*) and other measures such as capital-labor ratios, capital user costs, and labor composition indexes. These measures are designed to analyze the effects of technological change on economic growth, the substitutability of inputs, and changes in the composition of inputs and outputs. BLS produces annual measures of multifactor productivity for private business, private nonfarm business, and manufacturing sectors and for many detailed industries. BLS MFP data are available at the following Internet address: *http://www.bls.gov/mfp/.*

II. Productivity Coverage and Methods

The quarterly nonfarm business labor productivity measures are constructed within the conceptual framework of the