

ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the 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 additional facts obtained on reconsideration, I determine that workers of Boise Cascade, LLC, Wood Products Division, La Grande Lumber Mill, La Grande, Oregon (TA-W-63,924), qualify as adversely affected secondary workers under Section 222 of the Trade Act of 1974, as amended, and that an increased reliance on imports of articles like or directly competitive with those produced at Boise Cascade, LLC, Wood Products Division, La Grande Particleboard, La Grande, Oregon (TA-W-63,924A), contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Boise Cascade, LLC, Wood Products Division, La Grande Lumber Mill, La Grande, Oregon (TA-W-63,924), and all workers of Boise Cascade, LLC, Wood Products Division, La Grande Particleboard, La Grande, Oregon (TA-W-63,924A), who became totally or partially separated from employment on or after August 20, 2007, through two years from the date of this certification, are eligible to apply for 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 in Washington, DC, this 26th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-57,700]

Joy Technologies, Inc., dba Joy Mining Machinery, Mt. Vernon Plant, Mt. Vernon, IL; Notice of Revised Determination on Remand

On January 22, 2009, the U.S. Court of International Trade (USCIT)

remanded to the U.S. Department of Labor (Department) for further review *Former Employees of Joy Technologies, Inc. v. U.S. Secretary of Labor*, Court No. 06-00088.

On August 2, 2005, the International Brotherhood of Boiler-makers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 483, filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers and former workers of Joy Mining Machinery, Mt. Vernon, Illinois (subject facility) producing underground mining equipment. The petition alleged that the subject facility would close September 23, 2005, due to a shift of production to Canada, China, Mexico and Russia.

During the initial TAA investigation, the Department determined that the subject workers produced mining machinery and mining machinery components, and that the workers were not separately identifiable by product line.

The group eligibility requirements for directly impacted (primary) workers under Section 222(a) 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.

The initial negative determination regarding eligibility to apply for TAA, issued on September 25, 2005, was based on the Department's findings that employment at the subject facility increased during the relevant period, that subject facility sales did not decrease during the relevant period, that Joy corporate sales increased during the relevant period, and that there was no shift of production to a foreign country.

By application letter application dated November 3, 2005, the former workers requested administrative reconsideration, alleging that the workers' separations were due to a shift of production to Mexico.

On January 19, 2006, the Department issued a negative determination on reconsideration. The denial was based on the Department's findings that there was no shift of production to Mexico and that the workers were not eligible to apply for TAA as workers of a secondarily affected company.

By letter dated March 15, 2006, Plaintiffs sought judicial review. Plaintiffs asserted that the petitioning workers are eligible to apply for TAA due to either increased imports of articles like or directly competitive with crawler track frames (a type of mining machinery component) produced by the subject facility or a shift of production crawler track frames to Mexico.

During the first remand investigation, the Department determined that there was no shift of production to a foreign country and that increased imports could not have contributed importantly to the workers' separations because subject firm sales increased during the relevant period. On January 8, 2007, the Department issued a negative determination on remand.

During the second remand investigation, the Department determined that crawler track frame production at the subject facility increased during the relevant period and that imports of articles like or directly competitive with these articles ceased before the subject facility closed, and concluded that imports of crawler track frames did not contribute

importantly to subject facility sales and/or production declines and worker separations. A second negative determination on remand was issued on June 12, 2008.

During the third remand investigation, the Department carefully reviewed the language of the statute, the applicable regulation, and the administrative record.

As a result of the review, the Department determined that, during the relevant period, a significant portion or number of workers at the subject facility was separated and there was a shift of production of mining machinery components to Mexico. Therefore, the Department determines that the group eligibility requirements under Section 222(a)(2)(B) the Trade Act of 1974, as amended, has 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 of production to Mexico of articles like or directly competitive to mining machinery components produced at the subject facility contributed to the total or partial separation of a significant number or proportion of workers at the subject facility.

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

"All workers of Joy Technologies, Inc., DBA Joy Mining Machinery, Mt. Vernon Plant, Mt. Vernon, Illinois (TA-W-57,700), who became totally or partially separated from employment on or after August 2, 2004, 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 26th day of January 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Extension of the Approval of Information Collection Requirements

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning its proposal to extend the Office of Management and Budget (OMB) approval of the Information Collection: Rehabilitation Maintenance Certificate (OWCP-17). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 13, 2009.

ADDRESSES: Mr. Steven D. Lawrence, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0292, fax (202) 693-1451, E-mail Lawrence.Steven@dol.gov. Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. Background: The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA) and the Longshore and Harbor Workers' Compensation Act (LHWCA). These acts provide vocational rehabilitation services to eligible workers with

disabilities. Section 8111(b) of the FECA and § 908(g) of the LHWCA provides that person(s) undergoing such vocational rehabilitation shall receive maintenance allowances as additional compensation. Form OWCP-17 is used to collect information necessary to decide the amount of any maintenance allowance to be paid. This information collection is currently approved for use through August 31, 2009.

II. Review Focus: The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval of the extension of this information collection in order to carry out its responsibility to assure payment of compensation benefits to injured workers at the proper rate.

Type of Review: Extension.

Agency: Employment Standards Administration.

Titles: Rehabilitation Maintenance Certificate.

OMB Number: 1215-0161.

Agency Numbers: OWCP-17.

Affected Public: Individuals or households.

Total Respondents: 1,300.

Total Annual Responses: 15,600.

Estimated Total Burden Hours: 2,590.

Estimated Time per Response: 10 minutes.

Frequency: On Occasion.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$7,020.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.