

location of Emerson Network Power, Embedded Computing. 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 Victory Personnel Services, Coretek, SDI, and Collins working on-site at the Tempe, Arizona location of the subject firm.

The amended notice applicable to TA-W-70,066 is hereby issued as follows:

All workers of Emerson Network Power, Embedded Computing, including on-site leased workers from Manpower, QTI, ACAE, Victory Personnel Services, Coretek, SDI and Collins, Tempe, Arizona, who became totally or partially separated from employment on or after May 18, 2008, through August 5, 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 8th day of October 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-25161 Filed 10-19-09; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-70,326]

#### **Ford Motor Company, Dearborn Truck Plant; Dearborn, MI; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application dated September 18, 2009, a petitioner requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of the subject firm. The determination was issued on August 14, 2009. The Notice of Determination was published in the **Federal Register** on September 22, 2009 (74 FR 48302).

The initial investigation resulted in a negative determination based on the finding that imports of Ford F Series pickups and Lincoln Mark LT sports-utility pickups did not contribute

importantly to worker separations at the subject firm. The investigation revealed that the subject firm did not shift production of Ford F Series pickups and Lincoln Mark LT sports-utility pickups to foreign countries during the period under investigation.

In the request for reconsideration, the petitioner alleged that employment at the subject firm was negatively impacted by a shift in production of pickups from the subject firm to South Africa, Thailand, Mexico and Canada. The petitioner also alleged that imports of directly competitive products with Ford F Series pickups contributed importantly to the decline in sales at the subject facility.

The Department has carefully reviewed the request for reconsideration and the existing record and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

#### **Conclusion**

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 29th 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-70,633]

#### **Consuelo E. Kelly, DBA Kelly International U.S.; Overland Park, KS; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated September 9, 2009, a company official 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 the subject firm. The denial notice was signed on August 12, 2009 and published in the **Federal Register** on September 22, 2009 (74 FR 48301).

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 TAA determination issued by the Department for workers of Consuelo E. Kelly, dba Kelly International U.S., Overland Park, Kansas was based on the finding that the worker group number threshold was not met in accordance with the group eligibility requirements of Section 222 of the Trade Act of 1974. Section 222 of the Trade Act defines an eligible worker "group" as "three or more workers in a firm or an appropriate subdivision." As the total worker number at Consuelo E. Kelly, Overland Park, Kansas was two in the relevant period, the worker group did not meet the group eligibility requirements for trade adjustment assistance.

In the request for reconsideration the petitioner alleged that even though the worker group accounted for two employees during the relevant period, the number of workers in the worker group should not be a determining factor for determining of the Kelly International's eligibility for TAA.

The number of workers in the worker group and number of separated workers during the relevant period are elements that are relevant in determining workers' eligibility for TAA as established by the Trade Act of 1974. This criteria is outlined in the legislation and regulations as stated in the determination dated August 12, 2009.

When assessing eligibility for TAA, the Department exclusively considers employment numbers at the subject firm during the relevant period (one year prior to the date of the petition). Since the subject firm employed only two workers during the relevant period the workers do not meet the eligibility requirement of the trade act in the current investigation.

#### **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 29th day of September 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-25157 Filed 10-19-09; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-70,028]

#### Three Rivers Timber, Inc.; Kamiah, ID; Notice of Revised Determination on Reconsideration

By application dated September 15, 2009, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA).

The initial investigation resulted in a negative determination signed on September 4, 2009, was based on the finding that imports of softwood lumber did not contribute importantly to worker separations at the subject firm and there was no shift in production of softwood lumber from the subject firm abroad. The denial notice will soon be published in the **Federal Register**.

In the request for reconsideration, the petitioner requested the Department of Labor conduct further analysis of the data reported by the customers of the subject firm and imports that are like or directly competitive with softwood lumber.

The Department further reviewed responses of a sample customer survey conducted during the initial investigation. On further analysis, it has been determined that the survey revealed that customers increased their reliance on imported softwood lumber, while decreasing their purchases from the subject firm from 2007 to 2008.

The investigation also revealed that employment, sales and production at Three Rivers Timber, Inc., Kamiah, Idaho declined absolutely during the relevant period.

Furthermore, it was determined that increased reliance on imports of softwood lumber by the customers of the subject firm contributed importantly to the worker group separation and sales/production declines at Three Rivers Timber, Inc. in Kamiah, Idaho.

#### Conclusion

After careful review of the additional facts obtained on reconsideration, I

determine that workers of Three Rivers Timber, Inc., Kamiah, Idaho, who are engaged in activities related to the production of softwood lumber meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Three Rivers Timber, Inc., Kamiah, Idaho, who became totally or partially separated from employment on or after May 18, 2008, through two years from the date of this 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 7th day of October 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-25150 Filed 10-19-09; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-65,216]

#### H&H Trailer Company, Including On-Site Workers From Brandon Hall; Clarinda, IA; 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 February 25, 2009, applicable to workers of H&H Trailer Company, Clarinda, Iowa. The notice was published in the **Federal Register** on March 19, 2009 (74 FR 11757).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of trailers.

New information shows that workers from Brandon Hall were employed on-site to provide hauling services for the Clarinda, Iowa location of H&H Trailer Company. The Department has determined that these workers were sufficiently under the control and in support of H&H Trailer Company,

Clarinda, Iowa to be included in the certification determination established for the subject firm.

Based on these findings, the Department is amending this certification to include workers from Brandon Hall working on-site at the Clarinda, Iowa location of H&H Trailer Company.

The amended notice applicable to TA-W-65,216 is hereby issued as follows:

All workers of H&H Trailer Company, including on-site workers from Brandon Hall, Clarinda, Iowa, who became totally or partially separated from employment on or after February 10, 2008 through February 25, 2011, 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 8th day of October 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-25147 Filed 10-19-09; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-70,812]

#### Performance Fibers Operations, Inc., Salisbury Plant, Including On-Site Leased Workers From Mundy Maintenance Services and Operations and UTi Integrated Logistics, Formerly Known as Standard Corporation; Salisbury, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 7, 2009, applicable to workers of Performance Fibers Operations, Inc., Salisbury Plant, Salisbury, North Carolina. The notice was published in the **Federal Register** on August 19, 2009 (74 FR 41933). The notice as amended on July 23, 2009 to include on-site leased workers from Mundy Maintenance, Services and Operations, LLC and UTi Integrated logistics. The notice was published in the **Federal Register** on August 5, 2009 (74 FR 39106).

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