

*TA-W-60,073; Leviton Manufacturing Co., Southern Devices Division, Morganton, NC.*

*TA-W-60,083; QPM Aerospace, Portland, OR.*

*TA-W-60,094; Goodyear Tire and Rubber Co., Union City Plant, Union City, TN.*

*TA-W-60,101; Siemon Company (The), Watertown, CT.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*TA-W-60,011; OSRAM Sylvania, Inc., Central Falls, RI.*

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*TA-W-59,744; AGX Corporation, New York, NY.*

*TA-W-59,818; Sun Chemical Corp., North American Inks (NAI), Winston-Salem, NC.*

*TA-W-59,876; Glide Lumber, LLC, Glide, OR.*

*TA-W-59,898; Fenton Art Glass Company, Williamstown, WV.*

*TA-W-59,940; Liberty Throwing Co., Inc., Kingston, PA.*

*TA-W-60,071; J and S Industries LLC, Livonia, MI.*

*TA-W-60,074; Rebtx Company, Inc., East Greenwich, RI.*

The investigation revealed that the predominate cause of worker separations is unrelated to criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.C.) (shift in production to a foreign country under a free trade agreement or a beneficiary country under a preferential trade agreement, or there has been or is likely to be an increase in imports).

*None.*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA-W-59,995; Bess Manufacturing Co., Bensalem, PA.*

*TA-W-59,998; Mortgage Guaranty Insurance Corp., Concord, CA.*

*TA-W-60,087; Wachovia Bank, Disbursement Operating Services, Philadelphia, PA.*

The investigation revealed that criteria of section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

*None.*

I hereby certify that the aforementioned determinations were

issued from September 25 through September 29, 2006. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 5, 2006.

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

[FR Doc. E6-17102 Filed 10-13-06; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,463]

### Ash Grove Cement Company Rivergate Lime Plant; Portland, OR; Notice of Negative Determination on Reconsideration

On August 7, 2006, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Ash Grove Cement Company, Rivergate Lime Plant, Portland, Oregon (subject firm). The Department's Notice of Affirmative Determination was published in the **Federal Register** on September 26, 2006 (71 FR 56169). Although the petition states that the subject firm produces calcium oxide, the investigation revealed that ground limestone, ground dolomite, and calcium hydroxide are produced as well as calcium oxide. The subject workers are not separately identifiable by product line. The petitioner (the subject firm) requested that the Department consider TA-W-59,463 as both a primary and secondary petition.

The petition for the workers of the subject firm was denied because there was no shift of production and the "contributed importantly" group eligibility requirement of section 222 of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through increased imports by either the subject firm or its customers of those articles produced by the subject worker group.

The investigation revealed that although calcium oxide production had ceased, there was no shift of production from the subject facility to a country that is party to a free trade agreement with the United States, or a country that is named as a beneficiary under the

Andean Trade Preference Act, the African Growth and Opportunity Act or the Caribbean Basin Economic Recovery Act. The investigation also revealed that neither the subject firm nor its customers increased imports of calcium oxide during the relevant period.

Because the determination did not state whether the subject worker group is eligible for TAA as workers of a secondarily-affected firm, the Department issued the Notice of Affirmative Determination Regarding Application for Reconsideration.

In the initial petition, the company official asserts that the subject firm supplied calcium oxide to Oregon Steel Mills (TAA certified on May 9, 2003; TA-W-50,706). In the request for reconsideration, the company official stated that "calcium oxide produced at the plant is sold for a variety of end uses but is primarily used in the iron and steel making industry." The company official also asserts that the closure of Oregon Steel Mills, Portland, Oregon in May 2003 (one of two major customers) and the subject firm's inability to secure another high-volume customer led to the closure of the calcium oxide line and the workers' separations.

During the reconsideration investigation, the company official confirmed that calcium oxide production ceased at the subject facility on May 31, 2006. Calcium oxide constituted a meaningful portion of production at the subject facility.

During the reconsideration investigation, the company official provided new information that indicated that there are several major declining calcium oxide customers during the relevant period. In response to this new information, the Department carefully reviewed previously-submitted information and conducted a new survey to determine whether these customers had increased import purchases of calcium oxide while declining their purchases from the subject firm during the relevant period. The reconsideration investigation revealed no increased imports of calcium oxide by these customers.

For certification on the basis of the workers' firm being a secondary upstream supplier, the subject firm must have customers that are TAA certified during the relevant period and the TAA certified customers must represent a significant portion of subject firm's business during the relevant period. In addition, the subject firm would have to produce a component part of the product that was the basis for the customers' certification.

Because the TAA certification for Oregon Steel Mills, Portland, Oregon

had expired on May 9, 2005, that customer cannot be a basis for certification of the subject firm as an affected secondary upstream supplier. Further, since Oregon Steel Mills, Portland, Oregon ceased production in May 2003, that customer cannot have represented a significant portion of the subject firm's business during the relevant period. As such, the subject workers are not eligible for TAA under secondary impact.

In order for the Department to issue a certification of eligibility to apply for ATAA, the subject worker group must be certified eligible to apply for TAA. Since the subject workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

#### Conclusion

After careful reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Ash Grove Cement Company, Rivergate Lime Plant, Portland, Oregon.

Signed at Washington, DC, this 28th day of September, 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-17105 Filed 10-13-06; 8:45 am]

**BILLING CODE 4510-30-P**

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-59,833]

#### **The Baxter Corporation; Shelby, NC; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated September 27, 2006, petitioners 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 28, 2006 and published in the **Federal Register** on September 21, 2006 (71 FR 55217).

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 petition for the workers of the Baxter Corporation, Shelby, North Carolina engaged in production of jacquard textile harnesses was denied because the "contributed importantly" group eligibility requirement of section 222 of the Trade Act of 1974, as amended, was not met, nor was there a shift in production from that firm to a foreign country in 2004, 2005 or January through July 2006. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no imports of jacquard textile harnesses during the relevant period. The subject firm did not import jacquard textile harnesses nor did it shift production to a foreign country during the relevant period.

The petitioner states that the affected workers lost their jobs as a direct result of a loss of customers in the textile industry. The petitioner alleges that major declining customers of the subject firm were negatively impacted by increased imports of various textiles, thus they decreased their purchases of jacquard textile harnesses from the Baxter Corporation, Shelby, North Carolina. The petitioner also states that several of the subject firm's customers were certified eligible for TAA based on an increase in imports of various textile products. The petitioner concludes that because sales and production of jacquard textile harnesses at the subject firm have been negatively impacted by increasing presence of foreign imports of textile products on the market, workers of the subject firm should be eligible for TAA.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. The Department conducted a survey of the subject firm's major declining customers regarding their purchases of jacquard textile harnesses. The survey revealed that the declining customers did not increase their imports of jacquard textile harnesses during the relevant period.

Imports of textiles cannot be considered like or directly competitive with jacquard textile harnesses produced by Baxter Corporation, Shelby, North Carolina and imports of textiles are not relevant in this investigation.

The fact that subject firm's customers shifted their production abroad or were import impacted is relevant to this

investigation if determining whether workers of the subject firm are eligible for TAA based on the secondary upstream supplier of trade certified primary firm impact. For certification on the basis of the workers' firm being a secondary upstream supplier, the subject firm must produce a component part of the article that was the basis for the customers' TAA certification.

In this case, however, the subject firm does not act as an upstream supplier, because jacquard textile harnesses do not form a component part of various fabrics, yarn and other textile products. Thus the subject firm workers are not eligible under secondary impact.

#### 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, day 5th of October, 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-17118 Filed 10-13-06; 8:45 am]

**BILLING CODE 4510-30-P**

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-60,006]

#### **Bosch Sumter Plant; Automotive Technology Chassis Division Including Onsite Leased Workers From Huffmaster Company, IH Services and Olsten Staffing; Sumter, SC; 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 September 22, 2006, applicable to workers of Bosch Sumter Plant, Automotive Technology Chassis Division, including onsite leased workers from Huffmaster Company, IH Services, and Olsten Staffing, Sumter, South Carolina. The notice was published in the **Federal Register** on October 2, 2006 (71 FR 58011-58012).