

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]

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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]

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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).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce automotive brakes and brake boosters.

The review shows that this same worker group was certified eligible to apply for adjustment assistance under petition number TA-W-55,227, which expired on August 2, 2006.

In order to avoid an overlap in worker group coverage, the Department is amending the current certification for workers of Bosch Sumter Plant, Automotive Technology Chassis Division, including onsite leased workers from Huffmaster Company, IH Services, and Olsten Staffing, Sumter, South Carolina, to change the impact date from September 22, 2005 to August 3, 2006.

The amended notice applicable to TA-W-60,006 is hereby issued as follows:

All workers of Bosch Sumter Plant, Automotive Technology Chassis Division, Sumter, South Carolina, including onsite leased workers of Huffmaster Company, IH Services and Olsten Staffing, who became totally or partially separated from employment on or after August 3, 2006 through September 22, 2008, 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 4th day of October, 2006.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-17110 Filed 10-13-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,183]

#### Gehl Company; West Bend, WI; Notice of Revised Determination on Reconsideration

On August 2, 2006, 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 August 11, 2006 (71 FR 46243-46244).

The previous investigation initiated on April 11, 2006, resulted in a negative determination issued on June 7, 2006, based on the finding that imports of agricultural implements did not

contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on July 14, 2006 (71 FR 40160).

To support the request for reconsideration, the company official supplied additional information. Upon further review of the initial investigation and contact with subject firm's company official, the Department conducted additional survey of subject firm's declining customers. The survey revealed that subject firm customers increased their reliance on import purchases of agricultural implements during the relevant period. The investigation also revealed that sales and production at the subject firm declined during the relevant time period.

In accordance with section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for 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 conclude that increased imports of articles like or directly competitive with those produced at Gehl Company, West Bend, Wisconsin, 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 Gehl Company, West Bend, Wisconsin, who became totally or partially separated from employment on or after April 10, 2005 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 29th day of September 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-17104 Filed 10-13-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,947 and TA-W-59,947A]

#### Hamrick's Incorporated, Plants 1 and 2, Including On-Site Leased Workers From Phillips Staffing, Gaffney, 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 14, 2006, applicable to workers of Hamrick's Incorporated, Plant 1 and Plant 2 located in Gaffney, South Carolina, including on-site leased workers from Phillips Staffing. The notice was published in the **Federal Register** on September 26, 2006 (71 FR 56170-56172).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in employment related to the production of sweaters, pants and skirts. The workers at Plant 1 cut the fabric while the workers at Plant 2 sew the fabric. The review shows that all workers of Hamrick Industries, Inc., Gaffney, South Carolina were certified eligible to apply for adjustment assistance under petition number TA-W-55,139, which expired on July 7, 2006.

In order to avoid an overlap in worker group coverage, the Department is amending the current certification for workers of Hamrick's Incorporated, Plant 1 and Plant 2 located in Gaffney, South Carolina, to change the impact date from August 1, 2005 to July 8, 2006.

The amended notice applicable to TA-W-59,497 and TA-W-59,497A is hereby issued as follows:

All workers of Hamrick's Incorporated, Plant 1, Gaffney, South Carolina (TA-W-59,947), Hamrick's Incorporated, Plant 2, Gaffney, South Carolina (TA-W-59,947),