

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-63,958]

**American Parts & Services, Inc.;  
Schaumburg, IL; Notice of Negative  
Determination Regarding Application  
for Reconsideration**

By application dated October 14, 2008, 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 September 17, 2008, and published in the **Federal Register** on October 3, 2008 (73 FR 57682).

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 negative TAA determination issued by the Department for workers of American Parts & Services, Inc., Schaumburg, Illinois, was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974.

In the request for reconsideration the petitioner indicates a number of reasons as to why she should be eligible for TAA. In particular, the petitioner stated that the subject firm subcontracted independent workers to perform value added production functions on the parts purchased by the subject firm. The petitioner seems to allege that because the workers were sub-contracted to perform production for the subject firm, they should be considered as employees of the subject firm and, therefore, eligible for Trade Adjustment Assistance.

To determine whether these subcontracted workers were employees of the subject firm, on-site leased workers, or workers under the control of the subject firm and whether the worker group produced an article during the relevant period, the Department contacted the subject firm's company official and requested employment

figures and all relevant contractual agreements between the subject firm and sub-contracting workers for the relevant employment data (for one year prior to the date of the petition).

The company official stated that the subcontractors utilized by the subject firm during the relevant period were not employees of American Parts & Services, Inc., Schaumburg, Illinois, and they were not leased workers employed on-site of the subject facility. Moreover, it was revealed that these independent contractors had no contractual agreements with the subject firm. The investigation revealed that there was only one worker employed by the subject firm in the relevant period.

A review of the initial petition and determination revealed the fact that the firm did not employ a worker group during the one year period prior to the petition filing date, as required by Section 222 of the Trade Act of 1974. A worker group means three or more workers in a firm or appropriate subdivision. The subject firm did not meet this threshold level. The investigation also revealed that the subject firm does not produce an article within the meaning of Section 222(a)(2) of the Act.

When assessing eligibility for TAA, the Department makes its determinations based on the requirements as outlined in Section 222 of the Trade Act. In particular, the Department defines an eligible worker "group" as "three or more workers in a firm or an appropriate subdivision thereof." As subject firm's total worker number was one in the relevant period, the worker does not meet the group eligibility requirements for trade adjustment assistance.

After careful review of the information provided on reconsideration, it was revealed that American Parts & Services, Inc., Schaumburg, Illinois, resells parts for sheet metal equipment and subcontracts repair services. Moreover, a review of the records provided by the company official established that only one worker was employed by the subject firm during the relevant period.

**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 22nd day of October 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade  
Adjustment Assistance.*

[FR Doc. E8-26051 Filed 10-31-08; 8:45 am]

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**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-62,220]

**Agrium U.S., Inc.; Kenai Nitrogen  
Operation Including On-Site Leased  
Workers From NMS (Nana  
Management Systems) Kenai, AK;  
Amended Notice of Revised  
Determination on Reconsideration**

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 Notice of Revised Determination on Reconsideration on January 8, 2008. The notice was published in the **Federal Register** on January 16, 2008 (73 FR 2946).

At the request of the petitioner, the Department reviewed the Notice of Revised Determination on Reconsideration for workers of the subject firm. The workers are engaged in the production of anhydrous ammonia and urea.

New information shows that workers leased from NMS (Nana Management Systems) were employed on-site at the Kenai, Alaska location of Agrium U.S., Inc., Kenai Nitrogen Operation. The Department has determined that these workers were sufficiently under the control of Agrium U.S., Inc., Kenai Nitrogen Operation to be considered leased workers.

Based on these findings, the Department is amending this revised determination to include workers leased from NMS (Nana Management Systems) working on-site at the Kenai, Alaska location of the subject firm.

The intent of the Department's certification is to include all workers employed at Agrium U.S., Inc., Kenai Nitrogen Operation, Kenai, Alaska who were adversely affected by a shift in production of anhydrous ammonia and urea to Damietta, Egypt.

The amended notice applicable to TA-W-62,220 is hereby issued as follows:

All workers of Agrium U.S., Inc., Kenai Nitrogen Operation, including on-site leased workers from NMS (Nana Management Systems), Kenai, Alaska, who became totally

or partially separated from employment on or after April 13, 2007, through January 8, 2010, 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 22nd day of October 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-26048 Filed 10-31-08; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-63,758]

#### **Lear Corporation; Quality Control and Inspection Department; 950 Loma Verde Drive, El Paso, TX; Notice of Revised Determination on Reconsideration**

On October 3, 2008, the Department issued an Affirmative Determination Regarding Application for Reconsideration applicable to workers and former workers of Lear Corporation, Quality Control and Inspection Department, located at 950 Loma Verde Drive, El Paso, Texas (subject firm). The Department's Notice was published in the **Federal Register** on October 10, 2008 (73 FR 60338).

The negative determination was based on the Department's finding that the subject firm does not produce an article within the meaning of Section 222(a)(2) of the Act. Workers inspected wire harness component parts. The determination further stated that because the subject workers are denied eligibility to apply for trade adjustment assistance (TAA), the workers cannot be certified eligible for alternative trade adjustment assistance (ATAA).

In the request for reconsideration, the worker alleges that his work "is directly involved in the manufacturing of the final product" and that "Lear Corporation took our jobs to Mexico." The worker also alleges that he is in the Product Part Approval Process Department, which is separate from the Quality Control and Inspection Department.

During the reconsideration investigation, the Department clarified with a subject human resource official that the worker group engaged in the Product Part Approval Process are part of the Quality Control and Inspection Department. Therefore, the Department determines that the initial identification

of the subject worker group are workers of Lear Corporation, Quality Control and Inspection Department, located at 950 Loma Verde Drive, El Paso, Texas is correct.

A careful review of previously-submitted information during the reconsideration investigation revealed that a significant number or proportion of workers in the appropriate subdivision of the workers' firm have become totally or partially separated.

During the reconsideration investigation, the Department confirmed that the workers were engaged in the inspection of wire harness component parts and was also informed that the workers were engaged in the testing of those articles. The Department considers testing to be a production activity. As such, the Department determines that the subject workers are engaged in the production of wire harness component parts.

During the reconsideration investigation, the Department confirmed that the subject firm shifted wire harness component part production to an affiliated facility located in Mexico.

Based on the above, the Department determines that the group eligibility requirements in Section 222(a)(2)(B) of the Trade Act of 1974, as amended, have 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 obtained during the reconsideration investigation, I conclude that there was a shift in production from the workers' firm or subdivision to Mexico of articles that are like or directly competitive with those produced by the subject firm or subdivision.

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

"All workers of Lear Corporation, Quality Control and Inspection Department, 950 Loma Verde Drive, El Paso, Texas, who became totally or partially separated from employment on or after July 25, 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 at Washington, DC, this 22nd day of October 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[SGA/DFA-PY-08-08]

#### **Solicitation for Grant Applications (SGA)**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice: Amendment to SGA/ DFA-PY-08-08.

**SUMMARY:** The Employment and Training Administration published a document in the **Federal Register** on October 3, 2008, announcing the availability of funds and solicitation for grant applications (SGA) to fund Demonstration Projects. This notice is an amendment to the SGA and it amends the "Necessary Project Components" section.

**FOR FURTHER INFORMATION CONTACT:** B. Jai Johnson, Grant Officer, Division of Federal Assistance, at (202) 693-3296.

#### **SUPPLEMENTARY INFORMATION**

**Correction:** In the **Federal Register** of October 03, in FR Doc. E8-8651. On page 57672, under the heading, "Part I. Background Information" specifically under paragraph "4. Necessary Project Components." is amended to read: The minimum number of young parents the applicant must serve over the three year period of the grant is 100. These individuals must be new clients to the program. Because of the requirement of random assignment under the grant, 50 percent of the young parents would receive "bump-up" services under the grant and 50 percent of the young parents would receive control group services (50 treatment group members and 50 control group members given a program enrollment of 100). Please note that this number is a minimum, greater numbers are encouraged. Applicants must justify their existing program can serve this minimum number of individuals under the grant by describing their program enrollment size over the past 3-5 years. If the application does not propose serving at