

Assistance applicable to TA-W-58,759, which was published in the **Federal Register** on April 13, 2006 (71 FR 19208-19210) in FR Document E6-5518, Billing Code 4510-30-P.

This rescinds the certification of eligibility for workers of TA-W-58,759, to apply for Alternative Trade Adjustment Assistance and confirms eligibility to apply for Worker Adjustment Assistance as identified on page 19209 in the first column, the twelfth TA-W number listed.

The Department appropriately published in the **Federal Register** April 13, 2006, page 19210, under the notice of Negative Determinations for Alternative Trade Adjustment Assistance, the denial of eligibility applicable to workers of TA-W-58,759. The notice appears on page 19210 in the third column, the fourth TA-W-number listed.

Signed in Washington, DC, this 28th day of July 2006.

**Erica R. Cantor**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-58,861]

#### **Campbell Hausfeld Leitchfield, KY; Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance; Correction**

This notice rescinds the notice of certification of eligibility to apply for Alternative Trade Adjustment Assistance applicable to TA-W-58,861, which was published in the **Federal Register** on April 13, 2006 (71 FR 19208-19210) in FR Document E6-5518, Billing Code 4510-30-P.

This rescinds the certification of eligibility for workers of TA-W-58,861, to apply for Alternative Trade Adjustment Assistance and confirms eligibility to apply for Worker Adjustment Assistance as identified on page 19209 in the first column, the eighth TA-W-number listed.

The Department appropriately published in the **Federal Register** April 13, 2006, page 19210, under the notice of Negative Determinations for Alternative Trade Adjustment Assistance, the denial of eligibility applicable to workers of TA-W-58,861. The notice appears on page 19210 in the

third column, the eighth TA-W-number listed.

Signed in Washington, DC, this 28th day of July 2006.

**Erica R. Cantor**,

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,753]

#### **Citation Corporation, Camden, TN; Notice of Negative Determination on Remand**

On January 23, 2006, the U.S. Court of International Trade (USCIT) granted the Department of Labor's motion for a second voluntary remand in *Former Employees of Citation Corporation v. Elaine Chao, U.S. Secretary of Labor*, Court No. 04-00198.

On December 1, 2003, the Tennessee AFL-CIO (Union) filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers of Citation Corporation, Camden, Tennessee producing ductile iron castings (subject worker group). The Department of Labor (Department) terminated the investigation for TA-W-53,753 because no new information or change in circumstance was evident which would have resulted in the reversal of a prior negative determination applicable to the same worker group (TA-W-51,871). The Notice of Termination was issued on December 11, 2003. The Notice was published in the **Federal Register** on January 7, 2004 (69 FR 940).

After the Department dismissed the Union's request for reconsideration (April 6, 2004; 69 FR 18107), the Union appealed to the USCIT for review.

During the first remand investigation, the Department determined that the worker group and the circumstances of the workers' separations in TA-W-51,871 and TA-W-53,753 were the same and that termination of the investigation of TA-W-53,753 was proper because a final decision was issued in TA-W-51,871. The Notice of Negative Determination on Reconsideration on Remand was issued on March 9, 2005 and published in the **Federal Register** on March 28, 2005 (70 FR 15646).

On January 23, 2006, the USCIT directed the Department to conduct a second remand investigation to

determine whether the subject worker group is eligible to apply for TAA.

To determine whether the subject worker group is eligible to apply for TAA, the Department conducted an investigation to ascertain if the criteria set forth in 29 CFR 90.16(b) was met:

(1) A significant number or proportion of the workers in such workers' firm (or appropriate subdivision of the firm) have become, or are threatened to become, totally or partially separated;

(2) Sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) Increases (absolute or relative) of imports of articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

Pursuant to 29 CFR 90.2, "increased imports" means that imports have increased, absolutely or relative to domestic production, compared to a representative base period. The regulation also establishes the representative base period as the one-year period preceding the date twelve months prior to the date of the petition.

Because the date of TA-W-53,753 is December 1, 2003, the relevant period is December 1, 2002 through November 30, 2003 and the representative base period is December 1, 2001 through November 30, 2002. Therefore, increased imports is established if import levels during December 1, 2002 through November 30, 2003 are greater than import levels during December 1, 2001 through November 30, 2002.

During the second remand investigation, the Department confirmed that Citation Corporation, Camden, Tennessee (subject facility) produced ductile iron castings until production ceased on December 9, 2002. SAR 66-68, 72. Due to the domestic shift of production, there were worker separations as well as sales and production declines at the subject facility during the relevant period. SAR 16, 74. Therefore, the Department determines that 29 CFR 90.16(b)(1) and 29 CFR 90.16(b)(2) have been met.

To determine whether 29 CFR 90.16(b)(3) has been met, the Department also requested during the second remand investigation information from the Union, SAR 22, 27-28, Citation Corporation (subject firm), SAR 3-21, 42-75, 81-121, 123-126, 129-130, 133, 136, 138, and the individuals identified by the Union as having relevant information. SAR 26-41, 76-80.

During the second remand investigation, the Department received information that indicates that the