

on 202-693-4122 (this is not a toll-free number) or e-Mail: [Mills.Ira@dol.gov](mailto:Mills.Ira@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employment and Training Administration (ETA).

*Type of Review:* Extension of a currently approved collection.

*Title:* Program Monitoring Report and One-Stop Career Center Complaint Form.

*OMB Number:* 1205-0039.

*Frequency:* On occasion; Quarterly.

*Affected Public:* State, Local, or Tribal government.

*Type of Response:* Recordkeeping; Reporting.

*Number of Respondents:* 52.

*Annual Responses:* 208.

*Average Response Time:* ETA Form 8429 is 8 minutes and recordkeeping time is 30 minutes; ETA Form 5148 is 70 minutes and recordkeeping time is 1.12 hours.

*Total Annual Burden Hours:* 1,566.

*Total Annualized Capital/Startup Costs:* 0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* 0.

*Description:* These forms are necessary as part of Federal regulations at 20 CFR part 651, 653 and 658 published as a result of NAACP v. *Secretary of Labor*. The forms allow ETA to track regulatory compliance of services provided to Migrant and

Seasonal Farmworkers by State Employment Workforce Agencies.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 05-20079 Filed 10-5-05; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,114]

#### **Bourns Microelectronics Modules, Inc., a Subsidiary of Bourns, Inc., New Berlin, WI; Amended Notice of Revised Determination on Remand**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Revised Determination On Remand on August 16, 2005, applicable to workers of Bourns Microelectronics Modules, Inc., a subsidiary of Bourns, Inc., New Berlin, Wisconsin. The notice was published in the **Federal Register** on August 26, 2005 (70 FR 50409-50410).

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 computer modules.

The purpose of this amendment is to clarify that individuals who received any benefits under trade adjustment assistance case number TA-W-42,217 may not receive any benefits under trade adjustment assistance case number TA-W-56,114 for the same separation from employment.

The amended certification applicable to TA-W-56,114 is hereby issued as follows:

All workers of Bourns Microelectronics Modules, Inc., a subsidiary of Bourns, Inc., New Berlin, Wisconsin, who became totally or partially separated from employment on or after December 3, 2003 through August 16, 2007, are eligible under Section 223 to apply for adjustment assistance 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, except that individuals who received any benefits under trade adjustment assistance case number TA-W-42,217 may not receive any benefits under trade adjustment assistance case number TA-W-56,114 for the same separation from employment.

Signed at Washington, DC this 14th day of September 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-5476 Filed 10-5-05; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,908]

#### **Casair, Inc.; Stanton, MI; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on September 9, 2005 in response to a worker petition filed by a company official on behalf of workers at Casair, Inc., Stanton, Michigan.

An active certification covering the petitioning group of workers is already in effect (TA-W-57,399, as amended). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 15th day of September 2005.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-5484 Filed 10-5-05; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,065]

#### **Galileo International Division of Cendant Corporation, Centennial, CO; Notice of Negative Determination on Reconsideration**

On August 9, 2005, 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 18, 2005 (70 FR 48604-48605).

The petition for the workers of Galileo International, Division of Cendant Corporation, Centennial, Colorado engaged in software development was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner contends that the Department erred in its interpretation of work performed at the subject facility as a service and further conveys that software developed by the subject firm was sold to travel agents, travel suppliers and corporation travel offices. The petitioner included the brochures with the description of the software as well as the company Web site which advertises the "articles", in order to

support the allegation that workers of the subject firm produce an article.

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated the petitioning group of workers at the subject firm was responsible for software development, in particular design, programming, testing and maintenance/support. The official further clarified that customers can either access and download software via the Internet or purchase CD-ROMs with the desktop software. The official stated that the desktop client software developed at the subject firm is mass produced in a CD form for further distribution to customers.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance, but rather only whether they produced an article within the meaning of section 222 of the Trade Act of 1974.

Technical writing design, programming and testing of the software is not considered production of an article within the meaning of Section 222 of the Trade Act. Petitioning workers do not produce an "article" within the meaning of the Trade Act of 1974. Information electronic databases, technical documentation and codes, are not tangible commodities, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), as classified by the United States International Trade Commission (USITC), Office of Tariff Affairs and Trade Agreements, which describes articles imported to the United States.

To be listed in the HTS, an article would be subject to a duty on the tariff schedule and have a value that makes it marketable, fungible and interchangeable for commercial purposes. Although a wide variety of tangible products are described as articles and characterized as dutiable in the HTS, informational products that could historically be sent in letter form and that can currently be electronically transmitted are not listed in the HTS. Such products are not the type of products that customs officials inspect and that the TAA program was generally designed to address.

The investigation on reconsideration supported the findings of the primary investigation that the petitioning group of workers does not produce an article. However, it was revealed that electronic desktop software created by the subject company is recorded on media devices (CD-ROMs) for further mass-production and distribution. Thus, it was determined that the petitioning group of

service workers support production of CD-ROMs containing software.

The Department conducted an additional investigation to determine whether workers can be considered eligible for TAA as directly-impacted workers in support of production of CD-ROMs containing desktop software.

The group eligibility requirements for directly-impacted (primary) workers under section 222(a) the Trade Act of 1974, as amended, can be satisfied in either of two ways:

I. Section (a)(2)(A) all of the following must be satisfied:

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

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

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

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

The investigation of Galileo International, Travel Distribution Services, Centennial, Colorado, revealed that criteria (I.B) and (II.B) were not met. According to the information provided

by the company official, sales and production of CD-ROMs containing desktop software did not decline during the relevant time period. Moreover, the subject firm did not shift production abroad, nor did it increase company imports of CD-ROMs containing desktop software, during the relevant period.

The petitioner further alleges that because workers lost their jobs due to a transfer of job functions to India, petitioning workers should be considered import impacted.

The company official stated that coding and programming job functions were outsourced to a third party joint venture in India. The official also stated that all design documents and other documentation written in India is returned to the United States through electronic mail or Internet.

Technical writing of informational documentation that is electronically transmitted is not considered production within the context of TAA eligibility requirements, so there are no imports of products in this instance. Further, as the PDF files and technical documentation do not become products until they are recorded on media device, there was no shift in production of an "article" abroad within the meaning of the Trade Act of 1974.

## Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Galileo International, Travel Distribution Services, Centennial, Colorado.

Signed at Washington, DC this 20th day of September, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-5481 Filed 10-5-05; 8:45 am]

**BILLING CODE 4510-30-P**

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by