

STAT, Aerotek, Will Rogers, Richmond, VA, November 28, 2004.
 TA-W-58,388; *Chuan Hing Sewing, Inc., San Francisco, CA, November 21, 2004.*
 TA-W-58,456; *WestPoint Home, Inc., Bath Products Div., Ambassador Personnel, Valley, AL, December 2, 2004.*
 TA-W-58,327; *Hewlett Packard, Ontario, CA, November 10, 2004.*
 TA-W-58,526; *IPF Management Company, Inc., d/b/a Invincible IPF, Paterson, NJ, December 20, 2004.*

Negative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

In the following cases, it has been determined that the requirements of Section 246(a)(3)(ii) have not been met for the reasons specified.

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.
 TA-W-58,487; *U.S. Airways, Greentree Reservations, Pittsburgh, PA.*
 TA-W-58,274; *Saint-Gobain Container, Carteret, NJ.*
 TA-W-58,421; *Sony Electronics, Direct View CRT, Mt. Pleasant, PA.*
 TA-W-58,481; *Collins and Aikman, Southwest Laminates, Inc. Division, El Paso, TX.*

The Department as determined that criterion (1) of Section 246 has not been met. Workers at the firm are 50 years of age or older.

None.

The Department as determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA-W-58,295; *Pixelworks, Inc., Tualatin, OR.*
 TA-W-58,295A; *Pixelworks, Inc., Campbell, CA.*
 TA-W-58,070; *Carrier Access Corporation, Boulder, CO.*
 TA-W-58,401; *Accutech Mold and Engineering, Little Falls, MN.*
 TA-W-57,987; *Sun Chemical, Performance Pigments Division, Cincinnati, OH.*

The Department as determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

I hereby certify that the aforementioned determinations were

issued during the month of January 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: January 12, 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E6-803 Filed 1-23-06; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-58,309]

OBG Manufacturing Company; Liberty, KY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at OBG Manufacturing Company, Liberty, Kentucky. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA-W-58,309; *OBG Manufacturing Company, Liberty, Kentucky (January 11, 2006).*

Signed at Washington, DC this 11th day of January 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E6-802 Filed 1-23-06; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-58,047]

Plasti-Coil, Inc.; Lake Geneva, WI; Notice of Negative Determination Regarding Application for Reconsideration

By application of December 8, 2005 a petitioner requested administrative reconsideration of the Department's negative determination regarding

eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The denial notice was signed on November 10, 2005 and published in the **Federal Register** on December 6, 2005 (70 FR 72653).

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 TAA petition, filed on behalf of workers at Plasti-Coil, Inc., Lake Geneva, Wisconsin engaged in production of custom injection molding was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974 was not met, nor was there a shift in production from that firm to a foreign country. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining customers. The survey revealed no increase in imports of custom injection molding. The subject firm did not import custom injection molding in the relevant period, nor did it shift production to a foreign country.

In the request for reconsideration, the petitioner alleges that the layoffs at the subject firm are attributable to a shift in production to China. To support the allegations, the petitioner attached a copy of the letter from the subject firm's company official stating that "a significant portion of the business has been transferred to China".

A company official was contacted regarding the above allegations. The company official confirmed what was revealed during the initial investigation. In particular, the official stated that Plasti-Coil, Inc., Lake Geneva, Wisconsin was contemplating to move portion of its production to China, however, the shift did not occur and there are no current plans to move production from the subject firm to a foreign country. The official further clarified that the letter mentioned by the petitioner meant that the subject firm's customers transferred significant volumes of their business to China and other Asian countries, which had a negative impact on production of the

subject firm. The subject firm did not shift production of custom injection molding abroad.

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 this 13th day of January, 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6-801 Filed 1-23-06; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-57,945; TA-W-57,945A]

Polyvision Corporation; 13646 Route 402 Highway North Facility; Clymer, PA; 2170 Barr Slope Road Facility; Dixonville, PA; Notice of Revised Determination on Reconsideration

By letter dated December 5, 2005, Greater Pennsylvania Regional Council of Carpenters requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination signed on October 21, 2005 and was based on the finding that imports of casework cabinets, marker and tack boards did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on November 9, 2005 (70 FR 68099).

To support the request for reconsideration, the petitioner supplied additional information. The Department of Labor reviewed surveys of the firms to which the subject facility submitted bids and was not subsequently awarded the contracts. A further contact with the surveyed companies revealed the fact that all the bids were awarded to domestic bidders who manufacture case work cabinets, market boards and tack boards abroad. The loss of these contracts as a result of increased imports of case work cabinets, market boards and tack boards contributed

importantly to the declines in sales and employment at the subject firm. The investigation further revealed that sales, production and employment at the subject firm declined during the relevant time period.

In accordance with Section 246 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 Polyvision Corporation, Clymer, Pennsylvania (TA-W-57,945) and Polyvision Corporation, Dixonville, Pennsylvania (TA-W-57,945A), 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 Polyvision Corporation, Clymer, Pennsylvania (TA-W-57,945) and Polyvision Corporation, Dixonville, Pennsylvania (TA-W-57,945A) who became totally or partially separated from employment on or after September 8, 2004 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 13th day of January 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6-800 Filed 1-23-06; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-57,838]

Texstyle, Inc., Manchester, KY; Notice of Affirmative Determination Regarding Application for Reconsideration

By application of October 17, 2005, petitioners requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of TexStyle, Inc., Manchester, Kentucky (the subject firm). The negative determination for the subject firm was issued on September 15, 2005, and published in the **Federal Register** on October 31, 2005 (70 FR 62345).

Under a prior certification (TA-W-51,404), workers were eligible to apply for worker adjustment assistance (issued on April 21, 2003; expired on April 21, 2005). The investigation instituted on August 25, 2005, revealed that the workers did not produce an article or support an affiliated domestic production facility during the relevant period.

New information provided on December 1, 2005 by the subject firm revealed that some production did occur at TexStyle, Inc., Manchester, Kentucky during the relevant period.

The Department carefully reviewed the petitioners' request for reconsideration and has determined that the Department will conduct further investigation based on new information provided by the subject firm.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 22nd day of December 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6-799 Filed 1-23-06; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The petition for modification notice published in the **Federal Register** on