

## APPENDIX—Continued

[TAA petitions instituted between 7/10/06 and 7/14/06]

| TA-W  | Subject firm (petitioners)                | Location        | Date of institution | Date of petition 59683 |
|-------|---|-----------------|---------------------|------------------------|
| 59706 | Eaton Filtration LLC (Comp)               | Elizabeth, NJ   | 07/13/06            | 07/12/06               |
| 59707 | Welch Allyn, Inc. (Comp)                  | San Diego, CA   | 07/13/06            | 07/11/06               |
| 59708 | Mar Bax Shirt Company Inc. (State)        | Gassville, AR   | 07/13/06            | 07/12/06               |
| 59709 | Stimson Lumber Company (Wkrs)             | St. Helens, OR  | 07/13/06            | 07/11/06               |
| 59710 | Oxbow Machine Products (Wkrs)             | Livonia, MI     | 07/13/06            | 06/20/06               |
| 59711 | KPMG (State)                              | Charlotte, NC   | 07/13/06            | 07/12/06               |
| 59712 | American Sunroof Company (UAW)            | Lansing, MI     | 07/13/06            | 06/23/06               |
| 59713 | State Farm Insurance (Wkrs)               | Parsippany, NJ  | 07/13/06            | 06/14/06               |
| 59714 | Jakel Inc. (Wkrs)                         | Murray, KY      | 07/13/06            | 06/26/06               |
| 59715 | Salisbury Manufacturing Corp. (Comp)      | Salisbury, NC   | 07/13/06            | 06/28/06               |
| 59716 | Pinnacle Frames and Accents, Inc. (State) | Piggott, AR     | 07/13/06            | 07/13/06               |
| 59717 | Kent Sporting Goods (State)               | Madison, GA     | 07/13/06            | 07/12/06               |
| 59718 | Monroe Staffing Services, LLC (State)     | Wallingford, CT | 07/14/06            | 07/13/06               |
| 59719 | Eaton Corporation (Comp)                  | Hastings, NE    | 07/14/06            | 07/11/06               |
| 59720 | MacDermid, Inc. (State)                   | Waterbury, CT   | 07/14/06            | 07/13/06               |
| 59721 | Mercury Marine (IAMAW)                    | Fond du Lac, WI | 07/14/06            | 07/13/06               |
| 59722 | Joan Fabrics Corporation (Comp)           | Lowell, MA      | 07/14/06            | 07/13/06               |
| 59723 | C and D Technologies (Comp)               | Huguenot, NY    | 07/14/06            | 07/13/06               |
| 59724 | Centris Information Service (Comp)        | Longview, TX    | 07/14/06            | 07/06/06               |
| 59725 | Agilent Technologies (Wkrs)               | Wilmington, DE  | 07/14/06            | 07/13/06               |

[FR Doc. E6-12185 Filed 7-28-06; 8:45 am]

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## DEPARTMENT OF LABOR

## Employment and Training Administration

[TA-W-59,583]

## Nibco, Inc., South Glens Falls, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 20, 2006, in response to a worker petition filed by a company official on behalf of workers at NIBCO, Inc., South Glens Falls, New York.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

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

Elliott S. Kushner,

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-12204 Filed 7-28-06; 8:45 am]

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## DEPARTMENT OF LABOR

## Employment and Training Administration

[TA-W-59,039]

## Nortel, Xpm Gnps, Design and Support, Research Triangle Park, NC; Notice of Negative Determination Regarding Application for Reconsideration

By application dated May 25, 2006, 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). The denial notice applicable to workers of Nortel, XPM GNPS, Design and Support, Research Triangle Park, North Carolina was signed on April 26, 2006 and published in the **Federal Register** on May 11, 2006 (71 FR 27520).

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 Nortel, XPM GNPS, Design

and Support, Research Triangle Park, North Carolina engaged in research and development organization that was responsible for development of software in support of all releases related to XPM 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 providing a service and further conveys that workers of the subject firm "created a new firmware load for the Calls Modem Resource (aka CMR)" and that "it is a new product which is only sent to paying customers."

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that workers of the subject firm were not directly involved in the work that went into the aforementioned load. Furthermore, the changes that were made in the firmware load were a direct result of a reported problem in the field and were not made to provide a feature to the field. The official further clarified that the firmware was not sold but given to the field and that the production of the modified firmware was not moved to a foreign facility but started and remained offshore, once the changes to it were implemented. The official stated that the loads are being built in a foreign country and the workers of the subject firm support this offshore production.

The sophistication of the work involved is not an issue in ascertaining

whether the petitioning workers are eligible for trade adjustment assistance, but whether they produce an article within the meaning of section 222 of the Trade Act of 1974.

Research, development and technical support of the existing software or offshore production 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.

The investigation on reconsideration supported the findings of the primary investigation that the petitioning group of workers does not produce an article.

Service workers can be certified only if worker separations are caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article domestically, who meet the eligibility requirements, or if the group of workers are leased workers who perform their duties at a facility that meets the eligibility requirements.

#### 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 18th day of July, 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-12199 Filed 7-28-06; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-58,807A]

##### **Panasonic Shikoku Electronics Sales of America, Portland, OR; 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-58,807A, which was published in the **Federal Register** on April 12, 2006 (71 FR 18771-18773) in FR Document E6-5369, Billing Code 4510-30-P.

This rescinds the certification of eligibility for workers of TA-W-58,807A, to apply for Alternative Trade

Adjustment Assistance and confirms eligibility to apply for Worker Adjustment Assistance as identified on page 18771 in the third column, the tenth TA-W-number listed.

The Department appropriately published in the **Federal Register** April 12, 2006, page 18773, under the notice of Negative Determinations for Alternative Trade Adjustment Assistance, the denial of eligibility applicable to workers of TA-W-58,807A. The notice appears on page 18773 in the first column, the first TA-W-number listed.

Signed in Washington, DC, this 24th day of July 2006.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. E6-12189 Filed 7-28-06; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

##### **Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade 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 (TA-W) number issued during the period of July 2006.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(a) of the Act must be met.

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 to 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.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(b) of the Act must be met.

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

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.