

## 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The petitioner has requested that the petition be withdrawn.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]

BILLING CODE 4510-30-P

## 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