of the law justified reconsideration of the decision.

The negative TAA determination issued by the Department for workers of Nortel Networks Corporation, Global Order Fulfillment, Research Triangle Park, North Carolina was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974.

The petitioner states that the determination document incorrectly describes activities performed by the workers of the subject firm. The petitioner states that the workers fulfilled customer orders for telecommunications network ''solutions'' and not ''software.''

The change in the description of the activities from ''software'' to ''solutions'' does not change the fact that the workers of the subject firm do not produce an article and do not directly support production of any kind. The investigation revealed that the workers of the subject firm receive, monitor the progression and process customer orders, collect data and ensure its accuracy and fulfillment. These activities do not constitute production of an article within the meaning of Section 222 of the Trade Act of 1974.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

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 in Washington, DC, this 25th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–8979 Filed 4–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,688]

SEI Data, Inc., a Subsidiary of SEI Communications, Dillsboro, IN; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 7, 2008, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on February 7, 2008 and published in the **Federal Register** on February 22, 2008 (73 FR 9836).

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 negative TAA determination issued by the Department for workers of SEI Data, Inc., a subsidiary of SEI Communications, Dillsboro, Indiana was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974.

The petitioner states that employment at the subject firm was negatively impacted by a shift of job functions to Canada. The petitioner further states that regardless whether workers of the subject firm produce a product or provide services, they should be certified eligible for Trade Adjustment Assistance.

The investigation revealed that the workers of SEI Communications, Dillsboro, Indiana are engaged in activities related to providing technical support for Internet and telephone services. These functions, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act of 1974.

The allegation of a shift to another country might be relevant if it was determined that workers of the subject firm produced an article. Since the investigation determined that workers of SEI Communications, Dillsboro, Indiana do not produce an article however, there cannot be imports nor a shift in production of an ''article'' abroad within the meaning of the Trade Act of 1974 in this instance.

The petitioner did not supply facts not previously considered nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

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 in Washington, DC, this 28th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–8982 Filed 4–23–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61, 696]

Medtronic, Inc. Cardiovascular Division, Santa Rosa, CA; Notice of Revised Determination on Remand

On February 27, 2008, the United States Court of International Trade (USCIT) granted the Department of Labor's motion for voluntary remand for further investigation in *Former Employees of Medtronic, Inc.* v. *United States*, Court No. 07–362.

The worker-filed petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA), dated June 14, 2007, alleged that the subject workers produced ''medical stents'' and that the subject firm shifted production to a foreign country. Petitioners did not identify the foreign country to which production shifted.

On July 19, 2007, the Department of Labor (Department) issued a negative determination regarding eligibility to apply for TAA/ATAA for workers and former workers of Medtronic, Inc.,

Cardiovascular Division, Santa Rosa, California (the subject firm). The initial investigation revealed that the subject workers produced cardiovascular stents and that, during the relevant period, the subject firm did not import cardiovascular stents and did not shift production to a foreign firm. A survey of the subject firm's major declining domestic customers was not conducted because the subject firm sold its stents to an affiliated, foreign facility. The Department's Notice of negative determination was published in the **Federal Register** on August 2, 2007 (72 FR 42436).

In the request for reconsideration, dated August 7, 2007, the petitioning workers alleged that production ''was indeed shifted to a foreign country, Ireland, based on the information we received from'' the subject firm. The Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration on August 16, 2007. The Notice was published in the **Federal Register** on August 27, 2007 (72 FR 49026).

On September 11, 2007, the Department issued a negative determination on reconsideration stating that Section (a)(2)(B) of the Trade Act of 1974, as amended, was not met. The negative determination was based on the Department's findings that, while the subject firm did shift cardiovascular stent production to Ireland, as alleged, Ireland does not have a free trade agreement with the United States and is not named as a beneficiary country under the Andean Trade Preference Act, the African Growth and Opportunity Act or the Caribbean Basin Economic Recovery Act, and that, following the shift of production, the subject firm did not import or plan to import articles like or directly competitive with those produced at the subject firm. The Department's Notice of negative determination on reconsideration was published in the **Federal Register** on September 21, 2007 (72 FR 54074).

In their complaint to the USCIT, dated October 3, 2007, the Plaintiffs made the same allegation they made in the request for reconsideration—that production shifted to Ireland—and two new allegations—that production shifted to Mexico and that the subject firm shifted production to a foreign country and will import stents like or directly competitive with those produced at the subject firm (''Medtronic's is awaiting FDA approval of their Drug Eluding Stents (DES) * * * the DES will be made available to the medical markets in the United States'').

In order to be certified under Section (a)(2)(B) of the Trade Act of 1974, as amended, the Department must determine that the following was 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; and

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; or

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.

During the remand investigation, the Department confirmed that cardiovascular stent production shifted from the Medtronic facility in Santa Rosa, California, to Galway, Ireland, and did not shift to Mexico. Accordingly, the Department determines that Section (a)(2)(B)(A) and Section (a)(2)(B)(B) have been met, and that Section (a)(2)(B)(C)(1) and Section (a)(2)(B)(C)(2) have not been met. Consequently, in order to be certified as eligible to apply for TAA, the Department must determine that the petitioning worker group satisfies Section (a)(2)(B)(C)(3).

The Department obtained new information during the remand investigation that, after the Department issued its negative determination on reconsideration, the U.S. Food and Drug Administration (FDA) approved Medtronic's application for approval of a drug-eluding cardiovascular stent to be used in the United States.

On February 1, 2008, Medtronic issued a news release stating that the FDA-approved DES, Endeavor, ''provides a consistent and sustained reduction in the need for repeat procedures compared to a bare-metal stent'' and that ''The U.S. market launch of the Endeavor stent begins immediately.'' The news release further states that, prior to FDA approval of the DES, Medtronic has been ''strengthening our field and manufacturing capabilities in anticipation of considerable demand for the Endeavor stent in the United States'' and that Medtronic plans to ''ship 100,000 units to U.S. hospitals in the next 30 days to assure full availability of this next-generation technology.''

During the remand investigation, the Department conducted an industry research of cardiovascular stents. The Department's research revealed that bare-metal stents function similarly to drug-eluding stents in that both devices are tiny mesh tubes used to keep open arteries to increase or restore blood flow to the heart muscle. The two devices differ in that the DES delivers medication that reduces the probability that blockages will reform in the artery, while the bare-metal stent is a static, structural device. Accordingly, the Department determines that drug-eluding cardiovascular stents are like and directly competitive with bare-metal cardiovascular stents.

As the result of the remand investigation, the Department determined that there was a shift in production by the subject firm to a foreign country of articles like or directly competitive with the cardiovascular stents produced by the subject firm and that, following the shift of production to a foreign country, there is an increase in imports (actual or likely) by Medtronic, Inc. of articles that are like or directly competitive with the article produced at the subject firm.

In accordance with Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department herein presents the results of its investigation regarding certification of eligibility to apply for ATAA. The Department has determined in this case that the group eligibility 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 facts generated through the remand investigation, I determine that there was a total or partial separation of a significant number or proportion of workers at the subject firm, and that there was a shift in production to a foreign country followed by likely increased imports of articles like or directly competitive with cardiovascular stents produced at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of Medtronic, Inc., Cardiovascular Division, Santa Rosa, California, who became totally or partially

separated from employment on or after June 14, 2006, through two years from the issuance of this revised determination, are eligible to apply for Trade 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 at Washington, DC, this 25th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–8978 Filed 4–23–08; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act of 1998 (WIA); Notice of Incentive Funding Availability Based on Program Year (PY) 2006 Performance

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, in collaboration with the Department of Education, announces that eight states are eligible to apply for Workforce Investment Act (WIA) (Pub. L. 105–220, 29 U.S.C. 2801 *et seq.*) incentive awards authorized by section 503 of the WIA.

DATES: The eight eligible states must submit their applications for incentive funding to the Department of Labor by June 9, 2008.

ADDRESSES: Submit applications to the Employment and Training Administration, Office of Performance and Technology, 200 Constitution Avenue, NW., Room S–5206, Washington, DC 20210, Attention: Karen Staha and Traci DiMartini, Telephone number: 202–693–3698 (this is not a toll-free number). Fax: 202–693–3490. E-mail: *staha.karen@dol.gov* and *dimartini.traci@dol.gov.* Information may also be found at the ETA Performance Web site: *http://www.doleta.gov/performance.*

SUPPLEMENTARY INFORMATION: Eight (8) states (see Appendix) qualify to receive a share of the $9.9 million available for incentive grant awards under WIA section 503. These funds, which were contributed by the Department of Education from appropriations for the Adult Education and Family Literacy Act, are available for the eligible states to use through June 30, 2010, to support innovative workforce development and education activities that are authorized under title I (Workforce Investment Systems) or title II (the Adult Education and Family Literacy Act (AEFLA)) of WIA, or under the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), 20 U.S.C. 2301 *et seq.*, as amended by Public Law 109–270. In order to qualify for a grant award, a state must have exceeded performance levels agreed to by the Secretaries, Governor, and State Education Officer for outcomes in WIA title I, adult education (AEFLA), and career and technical education (Perkins III) programs. The goals included placement after training, retention in employment, and improvements in literacy levels, among other measures.

After review of the performance data submitted by states to the Department of Labor and to the Department of Education, each Department determined which states would qualify for incentives for its programs (the Appendix at the bottom of this notice details the eligibility of each state by program). These lists of eligible states were compared, and states that qualified under all three programs are eligible to apply for and receive an incentive grant award. The amount that each state is eligible to receive was determined by the Department of Labor and the Department of Education and is based on WIA section 503(c) (20 U.S.C. 9273(c)), and is proportional to the total funding received by these states for the three Acts.

The states eligible to apply for incentive grant awards and the amounts they are eligible to receive are listed in the following chart:

State	Amount of award
1. Arizona	$1,112,979
2. Connecticut	953,347
3. Illinois	2,148,397
4. Missouri	1,186,870
5. Montana	849,786
6. Ohio	1,783,568
7. South Carolina	1,111,549
8. South Dakota	821,995

Dated: April 17, 2008.

Brent R. Orrell,

Acting Assistant Secretary for Employment and Training.

Appendix

State	Incentive grants PY 2006–07 exceeded state performance levels			
	WIA (title I)	AEFLA (adult education)	Perkins III (vocational education)	WIA title I; AEFLA; Perkins Act
Alabama		X		
Alaska			X	
Arizona	X	X	X	X
Arkansas	X		X	
California				
Colorado		X	X	
Connecticut	X	X	X	X
District of Columbia	X	X		
Delaware		X	X	
Florida			X	
Georgia			X	
Hawaii			X	
Idaho	X		X	
Illinois	X	X	X	X
Indiana		X	X	
Iowa	X	X		
Kansas		X	X	
Kentucky	X		X	
Louisiana		X	X	
Maine		X	X	
Maryland		X		
Massachusetts		X	X	