

infringe claim 9. *Id.* With respect to the '704 patent, the Commission determined not to review the ALJ's conclusion that the asserted claims of the '704 patent are invalid for indefiniteness. *Id.* The Commission further determined to review and vacate as moot the ID's remaining findings with respect to the '704 patent. The Commission determined not to review the remainder of the ID. *Id.*

On August 15, 2012, Kaneka and SKC each filed submissions on review. On August 22, 2012, each filed reply submissions.

On review, having examined the final ID, the submissions of the parties, and the relevant portions of the record in this investigation, the Commission has determined to affirm the ID with respect to the issues on review. With respect to the '866 patent, the Commission has determined to affirm the ALJ's determination that Kaneka has failed to satisfy the technical prong of the domestic industry requirement on modified grounds. With respect to the '961 patent, the Commission has determined to affirm the ALJ's finding that the IN70 (50µm) product infringes claim 9 and the other accused products do not. The investigation is terminated.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and under Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: October 5, 2012.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-25077 Filed 10-11-12; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-81,689; TA-W-81,689A]

### Niles America Wintech, Inc., Warehousing Division, a Valeo Company, Including On-Site Leased Workers from, Adecco Employment Services, Winchester, KY; Niles America Wintech, Inc., Assembly and Testing Division, a Valeo Company, Including On-Site Leased Workers from Adecco Employment Services, Winchester, KY; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated August 28, 2012 a petitioning worker, requested administrative reconsideration of the

negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of Niles America Wintech, Inc., Warehousing Division and Assembly and Testing Division, including on-site leased workers from Adecco Employment Services, Winchester, Kentucky (collectively referred to as the subject firm). The determination was issued on July 31, 2012. The Department's Notice of determination was published in the **Federal Register** on August 16, 2012 (77 FR 49462).

The initial investigation resulted in a negative determination based on the findings that the subject firm did not import services like or directly competitive with the order management, shipping, receiving, and warehousing services supplied by the subject workers.

Further, the subject firm did not shift the supply of order management, shipping, receiving and warehousing services (or like or directly competitive services) to a foreign country or acquire the supply of such services from a foreign country.

The initial investigation also revealed that the subject firm is not a Supplier to or act as a Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a).

In addition, the subject firm did not satisfy the group eligibility requirements under Section 222(e) of the Act, either because Criterion (1) has not been met since the workers' firm has not been publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in an affirmative finding of serious injury, market disruption, or material injury, or threat thereof.

Finally, with respect to Section 222(a) and Section 222(b) of the Act, the investigation revealed that Criterion (1) has not been met because a significant number or proportion of the workers in such workers' firm, have not become totally or partially separated, during the relevant time period, nor are they threatened to become totally or partially separated.

In request for reconsideration, the petitioner supplied new information regarding the number of workers who have been separated or have been threatened with separation.

The Department of Labor has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to

determine if the workers meet the eligibility requirements of the Trade Act of 1974, as amended.

## Conclusion

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

Signed at Washington, DC, this 26th day of September, 2012.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2012-25135 Filed 10-11-12; 8:45 am]

**BILLING CODE 4510-FN-P**

## 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 by (TA-W) number issued during the period of *September 24, 2012 through September 28, 2012*.

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. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United