

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 negative determination notice applicable to workers of Agilent Technologies, Assurance Solutions, Roseville, California (TA-W-58,245) and Agilent Technologies, Assurance Solutions, Colorado Springs, Colorado (TA-W-58,245A) was signed on December 20, 2005, and published in the **Federal Register** on January 10, 2006 (71 FR 1556). The subject worker group develops software for the telecommunications industry.

The petition, filed on October 27, 2005, was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met, and there was not a shift in production abroad.

The petitioner contends that software development should be considered production, that workers engaged in software writing and development should be considered as engaged in production and that production of software shifted to China, India and Scotland.

Since the issuance of the negative determination, the Department has revised its interpretation of an article to acknowledge that there are tangible and intangible articles and to clarify that the production of intangible articles can be distinguished from the provision of services. Software and similar intangible goods that would have been considered articles for the purposes of the Trade Act if embodied in a physical medium will now be considered to be articles regardless of their method of transfer.

In response to the request for reconsideration, a company official was contacted for clarification on the shift of software production abroad. The company official stated that, beginning in October 2005, production shifted abroad and software was being brought back into the United States from India and Scotland.

In accordance with Section 246 the Trade Act of 1974, as amended, the Department herein presents the results of its investigation regarding certification of eligibility to apply for 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, as amended, 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 information obtained in the reconsideration investigation, I determine that a shift of production followed by increased imports of software like or directly competitive with those produced by the subject workers contributed importantly to separations at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Agilent Technologies, Assurance Solutions, Roseville, California (TA-W-58,245), and Agilent Technologies, Assurance Solutions, Colorado Springs, Colorado (TA-W-58,245A), who became totally or partially separated from employment on or after October 27, 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 25th day of April, 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA-W-58,893; TA-W-58,893V; TA-W-58,893W]**

**Agilent Technologies, Inc., Automated Test Group Semiconductor Test Solutions Including On-Site Leased Workers Of Voit, Santa Rosa, CA; Including Employees of Agilent Technologies, Inc. Automated Test Group, Semiconductor Test Solutions, Santa Rosa, CA; Located in Bethesda, MD; Located in Schaumburg, IL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on March 29, 2006, applicable to workers of Agilent

Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, including on-site leased workers of Voit, Santa Rosa, California. The notice was published in the **Federal Register** on April 17, 2006 (71 FR 19753).

At the request of a company official, the Department reviewed the certification for workers of the subject firm.

New information shows that worker separations have occurred involving employees of the Santa Rosa, California facility of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions located in Bethesda, Maryland and Schaumburg, Illinois. Ms. Laura Bodner and Mr. John Boehne provided marketing and sales support services for the production of Radio Frequency (RF) Content for the Agilent 93000 Tester at the Santa Rosa, California location of the subject firm.

Based on these findings, the Department is amending this certification to include employees of the Santa Rosa, California facility of the subject firm located in Bethesda, Maryland and Schaumburg, Illinois.

The intent of the Department's certification is to include all workers of the Santa Rosa, California location of the subject firm who was adversely affected by increased company imports.

The amended notice applicable to TA-W-58,893 is hereby issued as follows:

All workers of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, including on-site leased workers of Voit, Santa Rosa, California (TA-W-58,893) including employees of Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Santa Rosa, California located in Bethesda, Maryland (TA-W-58,893V) and Schaumburg, Illinois (TA-W-58,893W), who became totally or partially separated from employment on or after February 22, 2005 through March 29, 2008, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974 and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed at Washington, DC this 21st day of April 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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