

[FR Doc. E6-19345 Filed 11-15-06; 8:45 am]  
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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,756]

#### **Volet, Inc., Power Cord Products Division, Clinton, AR; Notice of Negative Determination Regarding Application for Reconsideration**

By application of September 14, 2006, a company official 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 August 22, 2006, and published in the **Federal Register** on October 2, 2006 (71 FR 58012).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Volet, Inc., Power Cord Products Division, Clinton, Arkansas engaged in production of insulated flexible wire and cable for power cords was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met, nor was there a shift in production from that firm to a foreign country. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining domestic customers. The survey was not conducted, because the investigation revealed that the subject firm produced insulated flexible wire and cable primarily for the export market and no domestic customers were available. The subject firm did not import insulated flexible wire and cable in the relevant period, nor did it shift production to a foreign country.

The petitioner provided additional information in the request for reconsideration and supplied a name of

a domestic customer which is allegedly purchasing imported products.

The Department conducted a survey of this customer regarding purchases of insulated flexible wire and cable in 2004, 2005 and January through August of 2006. The survey revealed no purchases of imports of insulated flexible wire and cable during the relevant time period.

#### **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 2nd of November, 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade  
Adjustment Assistance.*

[FR Doc. E6-19338 Filed 11-15-06; 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 October 23 through October 27, 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.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.*, conditions within the industry are adverse).

#### **Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA-W-60,164; ZF Boge Elastometall, Rubber-Metal Technology Division, Paris, IL: September 28, 2005.

TA-W-60,244; Mosey Manufacturing Co., Inc., Plant #7, Richmond, IN: October 12, 2005.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

#### **Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each

determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-60,030; M. Wile Company, Rector Sportswear, Rector, AR: September 7, 2005.

TA-W-60,123; De Sta Co Industries, A Wholly Owned Subsidiary of Dover Resources, Canton, MI: September 19, 2005.

TA-W-60,129; M. Wile and Company, dba HMX Tailored, Buffalo, NY: September 12, 2005.

TA-W-60,178; Trafalgar Company (The Marley Hodgson Division, Norwalk, CT: September 29, 2005.

TA-W-60,180; Cadence Innovation, LLC, Injection Tool Construction Business, Secondary Equipment Construction and Fabrication Business, Chesterfield, MI: October 2, 2005.

TA-W-60,180A; Cadence Innovation, LLC, Injection Tool Construction Business, Secondary Equipment Construction and Fabrication Business, Sterling Heights, MI: October 2, 2005.

TA-W-60,180B; Cadence Innovation, LLC, Injection Tool Construction Business, Fraser, MI: October 2, 2005.

TA-W-60,203; Performance Fibers, Formerly Known As Diolen, Scottsboro, AL: October 4, 2005.

TA-W-60,023; Benchmark Electronics, Loveland Division, Loveland, CO: September 6, 2005.

TA-W-60,077; Oxford Collections, Woman's Catalog Division, New York, NY: August 25, 2005.

TA-W-60,077A; Oxford Collections, Woman's Catalog Division, Gaffney, SC: August 25, 2005.

TA-W-60,091; Bowater Nuway, Benton Harbor, MI: September 14, 2005.

TA-W-60,143; Bloomsburg Mills, A Subsidiary of Penn Columbia Corp., Monroe, NC: September 25, 2005.

TA-W-60,143A; Bloomsburg Mills, Corporate/Sales Office, A Subsidiary of Penn Columbia Corp., New York, NY: September 25, 2005.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-60,075; Eaton Corporation, Hydraulics Division, Spencer, IA: September 13, 2005.

TA-W-60,172; Sunshine School Uniforms and Supply Co., Medley, FL: September 27, 2005.

TA-W-60,189; Sebago USA LLC, A Subsidiary of Wolverine World Wide, Portland, ME: October 2, 2005.

TA-W-60,206; Kentucky Derby Hosiery Co., Plant 6, Also Known As Lynne Plant, Mt. Airy, NC: October 2, 2005.

TA-W-60,206A; Kentucky Derby Hosiery Co., Plant 7, Also Known As Forest Drive Plant, Mt. Airy, NC: October 2, 2005.

TA-W-60,218; Alcoa Global Fasteners, Alcoa Fastening Systems Division, Stoughton, MA: September 25, 2005.

TA-W-60,230; Creative Engineered Polymer Products, LLC, aka CEP Products, LLC, Crestline, OH: October 10, 2005.

TA-W-60,183; Signature Fruit Company, LLC, Plant Number 1, Modesto, CA: September 28, 2005.

TA-W-60,092; Measurement Computing Corp., Norton, MA: September 14, 2005.

TA-W-60,141; ESCO Company, Limited Partnership, Plant 2, Muskegon, MI: September 19, 2005.

TA-W-60,188; Jackson Manufacturing, A Subsidiary of Jackson Furniture Industries, Cleveland, TN: September 15, 2005.

TA-W-60,188A; Catnapper, A Subsidiary of Jackson Furniture Industries, Cleveland, TN: September 15, 2005.

TA-W-60,249; ADVO, Inc., Graphics Print Department, Pittsburgh, PA: October 16, 2005.

TA-W-60,249A; ADVO, Inc., Graphics Print Department, Phoenix, AZ: October 16, 2005.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-60,138; Quaker Fabric Corporation, Plant N, Fall River, MA: September 25, 2005.

TA-W-60,138A; Quaker Fabric Corporation, Plant Q, Fall River, MA: September 25, 2005.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

**Negative Determinations for Alternative Trade Adjustment Assistance**

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. Workers at the firm are 50 years of age or older.

*TA-W-60,164; ZF Boge Elastometall, Rubber-Metal Technology Division, Paris, IL.*

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

*TA-W-60,244; Mosey Manufacturing Co., Inc., Plant #7, Richmond, IN.*

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

*None.*

**Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

*TA-W-60,049; Energy and Automation, Norwood, OH.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*None.*

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*TA-W-60,135; Rothtec Engraving Corp., Charlotte, NC.*

The investigation revealed that the predominate cause of worker separations is unrelated to criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.C) (shift in production to a foreign country under a free trade agreement or a beneficiary country under a preferential trade agreement, or there has been or is likely to be an increase in imports).

*TA-W-60,137; Mudd (USA), LLC, New York, NY.*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*None.*

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

*None.*

I hereby certify that the aforementioned determinations were issued during the period of October 23 through October 27, 2006. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: November 3, 2006.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-19346 Filed 11-15-06; 8:45 am]

**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment and Training Administration****Proposed Collection; Comment Request**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the data collection for the Workforce Investment Act: National Emergency Grant (NEG) Assistance—Application and Reporting Procedures (1205-0439, expires January 31, 2007). A copy of the proposed information collection request

(ICR) can be obtained by contacting the office listed below in the addressee section of this notice or at this Web site: <http://www.doleta.gov/OMB/OMBControlNumber.cfm>.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before January 16, 2007.

**ADDRESSES:** Gregory Willis, Office of National Response, Employment and Training Administration, U.S. Department of Labor, Room N-5426, 200 Constitution Ave., NW., Washington, DC 20210. Phone (202) 693-2759 (this is not a toll-free number), fax (202) 693-3149, or e-mail comments to [willis.gregory@dol.gov](mailto:willis.gregory@dol.gov).

**Background:**

This information collection is necessary for the U.S. Department of Labor (DOL)/ Employment and Training Administration (ETA)'s award of National Emergency Grants (NEGs). These discretionary grants are intended to temporarily expand the service capacity at the state and local area levels by providing funding assistance in response to significant dislocation events for workforce development and employment services and other adjustment assistance for dislocated workers and other eligible individuals. Eligibility is defined in sections 101, 134 and 173 of the Workforce Investment Act (WIA) (Pub. L. 105-220): sections 113, 114 and 203 of the Trade Adjustment Assistance Reform Act of 2002 (Pub. L. 107-210): and 20 CFR 671.140.

Funds are available for obligation by the Secretary under Sections 132 and 173 of the WIA, and Section 203 of the Trade Act of 2002. Applications will be accepted on an ongoing basis as the need for funds arises at the state and local level.

WIA and the Regulations define four NEG project types:

- **REGULAR**, which encompasses plant closures, mass layoffs, and multiple layoffs in a single community.
- **DISASTER**, which includes all eligible FEMA-declared natural and manmade disaster events.
- **TRADE-WIA DUAL ENROLLMENT**, which provides supplemental funding to ensure that a full range of services is available to trade-impacted individuals eligible under the Trade Adjustment Assistance program provisions of the Trade Act of 2002.
- **TRADE HEALTH INSURANCE COVERAGE ASSISTANCE**, which provides specialized health coverage, support services, and income assistance