TA–W–62,775; AS America, Inc. (American Standard America), Tiffin, OH: January 30, 2007.
TA–W–62,784; Kemet Electronics Corp., A Subsidiary of Kement Corp., Simpsonville Facility, Simpsonville, SC: January 25, 2007.
TA–W–62,822; Rock-Tenn Converting Company, Chicopee, MA: February 11, 2007.
TA–W–62,829; Minco Manufacturing, LLC, Colorado Springs, CO: February 7, 2007.
TA–W–62,879; ZF Sachs, Florence, KY: February 20, 2007.
TA–W–62,907; KX Technology LLC, A Subsidiary of Marmon Water LLC, Orange, CT: January 26, 2007.
TA–W–62,937; Fulflex Elastometrics Worldwide, A Subsidiary of The Moore Company, Fulflex of Tennessee, Greeneville, TN: February 28, 2007.
TA–W–62,738; Siemens Medical Solutions USA, Inc., Ultrasound Division, Division of Siemens Corp., Mountain View, CA: March 17, 2008..
TA–W–62,854; U.S. Security Associates, Inc., Working On-Site at Briggs and Stratton Corp., Rolla, MO: January 25, 2007.
TA–W–62,865; Isola USA Corporation—Fremont, Fremont, CA: February 19, 2007.
TA–W–62,932; Keeper Corporation, Leased Workers of AAA Staffing, North Windham, CT: February 28, 2007.
TA–W–62,932A; Keeper Corporation, Manchester, CT: February 28, 2007.
TA–W–62,944; Trius Products, LLC, Cleves, OH: March 3, 2007.

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–62,057A; Curt Bean Lumber Company, Glenwood, AR: August 27, 2006.
TA–W–62,648; Trio Manufacturing Company, Forsyth, GA: January 8, 2007.
TA–W–62,733; Ravenna Aluminum, Inc., Ravenna, OH: January 23, 2007.
TA–W–62,957; Lear Operations Corp., Global Seating Systems Division, Louisville, KY: February 28, 2007.

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. The firm does not have a significant number of workers 50 years of age or older.

None.

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

None.

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–62,727; KAM Plastics, Inc., Holland, MI.
TA–W–62,779; Visteon Corporation, Fuel Operations and Vidso Division, Concordia, MO.
TA–W–62,904; Prime Tanning Corporation, St. Joseph, MO.

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.

TA–W–62,821; Ameridrives International, LLC, Erie, PA.

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–62,718; Fraser Timber Limited, Ashland, ME.
TA–W–62,731; Lufkin Industries, Inc., Lufkin, TX.
TA–W–62,805; American Standard Building Systems, Martinsville, VA.
TA–W–62,872; Littelfuse, LP, Irving, TX.
TA–W–62,661; Agilent Technologies, Measurement Systems Division, Loveland, CO.

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

TA–W–62,631; Pfizer Global Manufacturing, Unit 4K643, Portage, MI.
TA–W–62,827; Peak Medical, Inc., Hillsborough, NC.
TA–W–62,847; Columbia University, Faculty Practice Department, Administration and Operations Group, New York, NY.
TA–W–62,885; Wingfoot Commercial Tire Systems, LLC, Corporate Office, Fort Smith, AR.
TA–W–62,887; TST Overland Express, A Division of Overland Western International, Flint, MI.

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 *March 10 through March 14, 2008.* 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: March 20, 2008.

Linda G. Poole,

Certifying Officer, Division Of Trade Adjustment Assistance .

[FR Doc. E8–6112 Filed 3–25–08; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,414]

Consistent Textile Industries, Dallas, NC; Notice of Negative Determination on Reconsideration

On November 29, 2007, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Consistent Textiles Industries, Dallas, North Carolina (the subject firm). The Department's Notice of affirmative determination was

published in the **Federal Register** on December 11, 2007 (72 FR 70344).

The initial determination was based on the Department's findings that the subject firm did not separate or threaten to separate a significant number or proportion of workers (at least three workers with a workforce of fewer than 50 workers, or five percent of the workers with a workforce of 50 or more, or 50 workers) as required by section 222 of the Trade Act of 1974.

The company-filed petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) alleges that the worker group works at a firm that has increased imports of like or directly competitive articles, has shifted production of the article to a foreign country, and has customers that have increased imports from another country.

In the request for reconsideration, a company official states that three workers were separated from the subject firm.

In order to apply for TAA, petitioners must meet the group eligibility requirements for directly-impacted workers under section 222(a) the Trade Act of 1974, as amended. The requirements can be satisfied in either one of two ways.

Under Section (a)(2)(A), 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; and

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;

Under Section (a)(2)(B), 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; 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 reconsideration investigation, the Department confirmed that the subject firm separated three of its four workers. Accordingly, the Department determines that section (a)(2)(A)(A) and section (a)(2)(B)(A) were met.

A review of previously-submitted information confirmed that subject firm sales decreased in 2006 from 2005 levels, and decreased during January through October 2007 as compared to the corresponding period the prior year. Accordingly, the Department determines that section (a)(2)(A)(B) was met.

In order to determine that the subject workers meet the TAA group eligibility requirements, the Department must also find that either section (a)(2)(A)(C) was met or section (a)(2)(B)(B) and section (a)(2)(B)(C) were met.

The analysis of Section (a)(2)(A)(C) begins with identifying the ''articles produced by such firm or subdivision,'' continues with a finding of ''increased imports of articles like or directly competitive with articles produced by such firm,'' and concludes with the determination that increased imports ''have contributed importantly'' to the workers' separation or threat of separation and to the decline in subject firm sales or production.

The company-filed petition identified no article produced at the subject firm [Question—What (if any) articles are produced at subject firm? Answer—Just Sales, Question—If none are produced, what do workers do? Answer—Sales]. When the Department contacted the subject firm's major declining customer during the reconsideration investigation, the customer stated that it had no records of purchases of machine parts from the subject firm. Rather, all of the subject firm orders are for repair work on the customer's machines. Further, a company official stated that the machine parts produced were ''used for replacement or repair'' of textile machines.

The Department has consistently determined that repair work is a service and that items created incidental to provision of a service are not articles for purposes of the Trade Act. As such, the Department determines that no article was produced by the subject firm, and that the subject workers cannot be considered import impacted or affected by a shift of production abroad, and cannot be certified as eligible to apply for worker adjustment assistance under the Trade Act.

Even if the subject firm does produce an article, for purposes of the Trade Act, the petitioning workers would not meet the group eligibility requirements for directly-impacted workers under section 222(a) the Trade Act of 1974, as amended.

The workers allege that they produce machine parts for textile machines. As such, a certification would be based on either a shift of production of machine parts to a foreign country or a determination that increased imports of articles like or directly competitive with the machine parts produced by the subject firm contributed importantly to workers' separation and declines in subject firm sales or production.

According to additional information obtained during the reconsideration investigation, the subject firm ceased machine part production in November 2007, did not shift production of machine parts to a foreign country, and did not increase its imports of machine parts like or directly competitive with those produced by workers at the subject firm.

Because there was no shift of production, as required by Section (a)(2)(B)(B), the petitioning workers can be certified eligible to apply for TAA only if the Department finds that there were ''increased imports of articles like or directly competitive with articles produced by such firm,'' and that increased imports ''have contributed importantly'' to the workers'' separations and to the decline in subject firm sales or production.

Since the subject firm did not increase its imports of machine parts or articles like or directly competitive with those produced by workers at the subject firm, the Department conducted a survey to determine whether the subject firm's major declining customers had increased their imports of machine parts or articles like or directly competitive with those produced by workers at the subject firm. None of the customers reported increased imports of articles like or directly competitive with the machine parts produced by workers at the subject firm.

Absent a finding of increased imports, the Department cannot determine that increased imports contributed importantly to the workers' separations.

Accordingly, the Department determines that section (a)(2)(A)(C) was not met.

Although the request for reconsideration did not allege that the subject workers were adversely affected as secondary workers (workers of a firm that supply component parts to a TAA-certified company or finished or assembled for a TAA-certified company), the Department expanded the reconsideration investigation to determine whether they would be eligible to apply for TAA on this basis. Such a certification, under section 223(b)(2), must be based in the certification of a primary firm.

The reconsideration investigation revealed that although several of the subject firm's customers are TAA-certified, the article produced by the subject workers (machine parts) are not a component part of the article produced by the workers eligible to apply for TAA (textiles). As such, the Department determines that section 223(b)(2) has not been met.

In order for the Department to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA), the subject worker group must be certified eligible to apply for Trade Adjustment Assistance (TAA). Since the subject workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

Conclusion

After careful review of the new and addition information obtained during the reconsideration investigation, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Consistent Textiles Industries, Dallas, North Carolina.

Signed at Washington, DC, this 18th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–6115 Filed 3–25–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,655]

Warp Processing Co., Inc., Exeter, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 14, 2008, several workers requested administrative reconsideration of the Department's negative determination regarding the eligibility for workers and former workers of Warp Processing Co., Inc., Exeter, Pennsylvania (the subject firm) to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The negative determination was issued on February 19, 2008. The Department's Notice of negative determination was published in the **Federal Register** on March 7, 2008 (73 FR 12466). The subject workers are engaged in the activity of warping (placing onto beams) synthetic fibers made of nylon and polyester for the textile industry.

The TAA/ATAA petition was denied based on the Department's findings that the subject firm did not import warped synthetic fibers or shift production to a foreign country, and that the subject firm did not supply a component part to a manufacturing company with an existing primary TAA certification.

The workers stated in the request for reconsideration that the subject firm supplies ''customers with warped synthetic fibers and then our customers weave it into fabric and material and produce the finished product'' and ''is secondarily affected.'' The workers further stated that ''we know that the other countries are not importing them on beams but they are importing fabric and other finished product.'' The workers also alleged that Brawer Brothers is not the subject firm's only customer and that the subject firm's largest customer is Highland Industries.

Pursuant to 29 CFR 90.18(c), administrative 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.

After careful review of the request for reconsideration, the support documentation, and previously submitted materials, the Department determines that there is no new information that supports a finding that section 222 of the Trade Act of 1974 was satisfied and that no mistake or misinterpretation of the facts or of the law with regards to the subject workers' eligibility to apply for TAA.

The initial investigation revealed that, during the relevant period, the subject firm did not conduct business with Highland Industries and that the subject firm's only customer was Brawer Brothers. In addition to investigating whether the subject firm increased its imports of warped synthetic fabric, the Department had conducted a survey of not only Brawer Brothers but also its customers regarding their imports of articles like or directly competitive with the warped synthetic fabric produced by the subject workers. The surveys revealed no increased imports.

The three TAA-certified companies referenced in the request for reconsideration are Native Textiles, Inc. (TA–W–58,587 and TA–W–58,587A; certification expired February 15, 2008); Cortina Fabrics (TA–W–52,973; certification expired November 3, 2005); and Guilford Mills, Inc. (TA–W–39,921; certification expired May 15, 2004). Because the certifications for Cortina Fabrics and Guilford Mills, Inc. expired prior to the relevant period, facts which were the basis for the certification applicable to workers covered by that petition cannot be a basis for certification for workers covered by this petition.

Although the TAA certification for Native Textiles did not expire prior to the relevant period, it is irrelevant because the subject firm did not conduct business with that company during the relevant period and because warped synthetic fiber is not a component part of the warp knit synthetic tricot fabric produced by Native Textiles.

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 18th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–6116 Filed 3–25–08; 8:45 am]

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