

workers and former workers of Wipro Limited, Wipro Technologies, Alliance Managers, including remote workers and workers in Oakbrook Terrace, Illinois, Mountain View, California, Atlanta, Georgia, Bellevue, Washington, Addison, Texas, and Boston Massachusetts, who report to East Brunswick, New Jersey (Wipro Limited, Wipro Technologies, Alliance Managers). The Department's Notice was published in the **Federal Register** on September 6, 2012 (77 FR 54927). The suffixes used in the initial determination to identify the workers have been removed; however, the subject worker group remains the same.

The subject workers are engaged in activities related to the supply of the supply of sales of alliance related services or products through sales employees of the subject firm and are not separately identifiable function or service supplied. The subject worker group does not include any leased workers.

Section 222(a)(1) has been met because a significant number or proportion of the workers in Wipro Limited, Wipro Technologies, Alliance Managers have become totally or partially separated, or are threatened with such separation.

Section 222(a)(2)(B) has been met because the subject firm has shifted a portion of the supply of services like or directly competitive with the supply of sales of alliance related services or products through sales employees of the subject firm, which contributed importantly to worker group separations at Wipro Limited, Wipro Technologies, Alliance Managers.

Conclusion

After careful review of the additional facts obtained during the reconsideration investigation, I determine that workers of Wipro Limited, Wipro Technologies, Alliance Managers, who were engaged in employment related to the supply of sales of alliance related services or products through sales employees of the subject firm, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Wipro Limited, Wipro Technologies, Alliance Managers, including remote workers and workers in Oakbrook Terrace, Illinois, Mountain View, California, Atlanta, Georgia, Bellevue, Washington, Addison, Texas, and Boston Massachusetts, who report to East Brunswick, New Jersey, who became totally or partially separated from employment on or after May 6, 2011,

through two years from the date of certification, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 11th day of February, 2013.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-82,188; TA-W-82,188A]

PNC Bank, National Association, Retail Bank Franklin, PA; PNC Bank, National Association, Retail Bank West Chester, IL; Notice of Negative Determination Regarding Application for Reconsideration

By application received on January 25, 2013, petitioners requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of PNC Bank, National Association, Retail Bank, Franklin, Pennsylvania (TA-W-82,188), and PNC Bank, National Association, Retail Bank, West Chester, Illinois (TA-W-82,188A) (hereafter referred to collectively as "the subject firm"). The negative determination was issued on December 27, 2012. The Department's Notice of Determination was published in the **Federal Register** on January 10, 2013 (78 FR 2290). The subject firm supplies banking and financial services; the subject worker groups supply call center services.

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 misinterpretation of facts or of the law justified reconsideration of the decision.

The negative determination was based on the Department's findings that the subject firm did not shift to a foreign country the call center services supplied by the workers, or like or directly competitive services, or acquire such services from a foreign country; that increased imports by the subject firm of the supply of services like or directly competitive with the call center services supplied by the workers did not contribute importantly to the workers' separation, or threat of separation; and that the workers' firm is not a supplier or a downstream producer to a firm that employed a group of workers who are eligible to apply for TAA.

The request for reconsideration alleges that worker group separations at PNC's Retail Banks in Franklin, Pennsylvania and West Chester, Illinois are attributable to a shift of services to foreign countries; specifically, that the subject firm's confirmation that there were no increased imports of call center services in 2010, 2011, and during January through October 2012 is "an admission on the part of PNC that it does outsource services like or directly competitive with call center services" and that PNC Bank has advertised for a "Project Manager for PNC Bank at Tata Consultancy Services" in India. The request also states that the "other facilities within the United States" to which call center services shifted from the Franklin, Pennsylvania and West Chester, Illinois facilities are "over 90 miles away resulting in a 2-hour one-way commute."

The request for reconsideration also repeated assertions in the TAA petition, included copies of certifications applicable to workers of several banks (TA-W-82,037; TA-W-81,995; TA-W-81,832; TA-W-81,616; TA-W-80,440; TA-W-80,361; and TA-W-80,278), and referred to attachments to the TAA petition.

A careful review of previously-submitted information shows that the Department received information from the subject firm that directly addressed the allegations of a shift in the supply of call center services (and like or directly competitive services) to a foreign country (including the specific allegation of the shift of services to Canada and the United Kingdom); use of call centers outside the United States; and increased imports of call center services (and like or directly competitive services). The review also shows that the Department had considered the supplemental petition material prior to issuing the negative determination.

The petitioners did not supply facts not previously considered or provide

additional documentation indicating that there was either a mistake in the determination of facts not previously considered or a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After review of the applications 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 12th day of February, 2013.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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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 February 4, 2013 through February 8, 2013.

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 States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of 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) One of the following must be satisfied:

(A) there has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies 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) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary 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(c) of the Act must be met.

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

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or