

Signed at Washington, DC, this 13th day of August 2007.

**Ralph Dibattista,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. E7-16282 Filed 8-17-07; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-60,859]

#### **Eaton Corporation Aerospace Division Including Workers Whose Wages Are Reported Under FEID Number for Perkin Elmer Including On-Site Leased Workers From Aerotek, Kelly Services, Otterbase, and Adecco Phelps, New York and TA-W-60,859A Eaton Corporation, Aerospace Division Employee of Phelps, New York Working Out of Beltsville, Maryland; 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 February 28, 2007, applicable to workers at Eaton Corporation, Aerospace Division, in Phelps, New York. The notice was published in the **Federal Register** on March 14, 2007 (72 FR 11904).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of solenoid valves.

The company official reports that Ms. Susan Whitlege was an employee of the Eaton Corporation, Aerospace Division in Phelps, New York, and worked off-site at the company's Beltsville, Maryland facility. Ms. Whitlege was among the workers of the firm's Aerospace Division in Phelps, New York, who were separated from employment based on a shift in production of solenoid valves to Mexico.

The intent of the Department's certification is to include all workers of Eaton Corporation, Aerospace Division, in Phelps, New York, who were adversely affected by the shift in production to Mexico.

Accordingly, the Department is amending the certification to include

Ms. Whitlege, an employee of the Eaton Corporation, Aerospace Division in Phelps, New York, working out of Beltsville, Maryland.

The amended notice applicable to TA-W-60,859 is hereby issued as follows:

All workers of Eaton Corporation, Aerospace Division, including workers whose wages were reported under FEID number for Perkin Elmer, including on-site leased workers from Aerotek, Kelly Services, Otterbase, and Adecco, Phelps, New York (TA-W-60,859), and an employee of Eaton Corporation Aerospace Division, Phelps, New York working out of Beltsville, Maryland (TA-W-60,859A), who became totally or partially separated from employment on or after January 30, 2006 through February 28, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974; and

I further determine that all workers of Eaton Corporation, Aerospace Division, including workers whose wages were reported under FEID number for Perkin Elmer, including on-site leased workers from Aerotek, Kelly Services, Otterbase, and Adecco, Phelps, New York (TA-W-60,859), and an employee of Eaton Corporation Aerospace Division, Phelps, New York working out of Beltsville, Maryland (TA-W-60,859A), are denied eligibility to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 8th day of August 2007.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-16284 Filed 8-17-07; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-60,086]

#### **Ford Motor Company Product Development and Engineering Center, Dearborn, MI; Notice of Revised Determination on Reconsideration**

On May 24, 2007, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 30, 2007 (72 FR 30030).

The previous investigation initiated on September 14, 2006, resulted in a negative determination issued on March 15, 2007, was based on the finding that the subject worker group did not directly support production at the subject firm. The denial notice was published in the **Federal Register** on March 30, 2007 (72 FR 15168).

In the request for reconsideration the petitioners allege that the petitioning group of workers was in direct support of manufacturing and assembly of Ford automobiles at various Ford Motor Company manufacturing facilities.

A company official was contacted to verify whether workers at the subject facility were supporting production at Ford Motor Company manufacturing facilities. The company official stated that workers of the subject facilities were in direct support of production at Ford Motor Company Atlanta Assembly Plant, Hapeville, Georgia (TA-W-59017), Ford Motor Company Norfolk Assembly Plant, Norfolk, Virginia (TA-W-60,367), Ford Motor Company Twin Cities Assembly Plant, St. Paul, Minnesota (TA-W-60,435), and Ford Motor Company St. Louis Assembly Plant, Hazelwood, Missouri, (TA-W-60,478) during the relevant period. All of the above mentioned production facilities were certified eligible for adjustment assistance during April through December 2006.

The investigation further revealed that employment at the subject firm declined during the relevant period.

In accordance with section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (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 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 facts obtained in the investigation, I determine that increases of imports of articles like or directly competitive with articles produced by Ford Motor Company contributed importantly to the total or partial separation of workers at the subject firm and to the decline in sales or production at that firm or subdivision. In accordance with the provisions of the Act, I make the following certification:

All workers of Ford Motor Company, Product Development and Engineering Center, Dearborn, Michigan, who became totally or partially separated from

employment on or after September 14, 2005, 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 at Washington, DC, this 8th day of August 2007.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## LIBRARY OF CONGRESS

### Copyright Royalty Board

Docket No. 2005-4 CRB CD 2003]

#### Distribution of the 2003 Cable Royalty Fund

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Notice announcing partial Phase I settlement and soliciting comments on motion for further distribution.

**SUMMARY:** The Copyright Royalty Judges are announcing a partial Phase I settlement in connection with the 2003 cable royalty fund. The Judges are also soliciting comments on a motion for further distribution in connection with that fund.

**DATES:** Comments are due on or before September 19, 2007.

**ADDRESSES:** Comments may be sent electronically to *crb@loc.gov*. In the alternative, send an original, five copies, and an electronic copy on a CD either by mail or hand-delivery. Please do not use multiple means of transmission. Comments may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), comments must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977. If hand delivered by a private party, comments must be brought to the Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Ave., SE., Washington, DC 20559-6000. If delivered by a commercial courier, comments must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM-403, 101 Independence Ave., SE., Washington, DC 20559-6000.

#### FOR FURTHER INFORMATION CONTACT:

Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor, by telephone at (202) 707-7658 or e-mail at *crb@loc.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Background

Each year, semiannually, cable systems must submit royalty payments to the Register of Copyrights as required by the statutory license set forth in section 111 of the Copyright Act for the retransmission to cable subscribers of over-the-air television and radio broadcast signals. *See* 17 U.S.C. 111(d). These royalties are then distributed to copyright owners whose works were included in a qualifying retransmission and who timely filed a claim for royalties. Allocation of the royalties collected occurs in one of two ways. In the first instance, these funds will be distributed through a negotiated settlement among the parties. 17 U.S.C. 111(d)(4)(A). If the claimants do not reach an agreement with respect to the royalties, the Copyright Royalty Judges ("Judges") must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B).

##### August 2005 Motion for Partial Distribution

On August 31, 2005, a group of claimants filed a motion with the Copyright Royalty Board ("CRB"), requesting a partial distribution of 50% of the 2003 cable royalty fund ("2003 Fund"). Motion of Phase I Claimants for Partial Distribution. On September 13, 2005, the proposal was published in the **Federal Register**. Docket No. 2005-4 CRB CD 2003, 70 FR 53973. In the notice, the CRB sought comment on whether any controversy exists that would preclude the distribution of 50% of the 2003 cable royalty funds to the Phase I claimants.<sup>1</sup> The CRB also sought

<sup>1</sup>Historically, cable royalty proceedings have occurred in two phases. In Phase I, royalties have been divided among the categories of broadcast programming represented in the proceeding. The categories into which copyright owners have divided themselves in Phase I have remained largely unchanged over time. *See* Distribution of 1998 and 1999 Cable Royalty Funds, Docket No. 2001-8 CARP CD 98-99, 69 FR 3606, 3607 (Jan. 26, 2004) ((1) movies and syndicated television programs (known as "Program Suppliers" and represented by the Motion Picture Association of America, Inc. ("MPAA")); (2) sports programming (referred to as "Joint Sports Claimants" and includes sports programming belonging to the National Football League, National Hockey League, National Basketball Association, and National Collegiate Athletic Association); (3) commercial broadcast programming (consists of copyright owners of commercial radio and television programming and represented by the National Association of Broadcasters, Inc. ("NAB")); (4)

comment on the existence of any controversies to the 2003 cable royalty funds, either at Phase I or Phase II, with respect to the 50% of those funds that would remain if the partial distribution were granted. 70 FR at 53973-53974.

The CRB received eleven comments in response to the notice, one of which was from the Independent Producers Group ("IPG").<sup>2</sup> In its comment, IPG notified the CRB that it maintains claims on behalf of certain unnamed producers and distributors of devotional programming and that a controversy exists with respect to the 2003 cable royalty fund. IPG stated: "The extent of the controversy is not known at this time, however, the reservation of at least 2% of the cable proceedings funds as relates to claims on behalf of devotional programming, together with Phase I Claimants' pledges to return any amounts finally awarded in excess of sums partially released, is deemed sufficient to protect the interests of devotional programming claimants." *Id.*

IPG also stated that it maintains claims on behalf of certain unnamed producers and distributors of syndicated programming (which IPG refers to as "program suppliers") and asserted that a controversy exists with respect to that category of funds. With respect to

religious broadcast programming (referred to as "Devotional Claimants" and consists of various copyright owners of religious programming); (5) public television broadcast programming (referred to as "PBS" and consists of various copyright owners of television programs broadcast by the Public Broadcasting Service); (6) Canadian broadcast programming (referred to as "Canadian Claimants" and consists of various Canadian copyright owners whose programs are retransmitted by cable systems located near the U.S./Canada border); (7) public radio broadcast programming (referred to as "NPR" and consists of various copyright owners of radio programs transmitted by National Public Radio); and (8) music (referred to as "Music Claimants" and consists of copyrighted programming belonging to songwriters and music publishers and represented by the American Society of Composers, Authors and Publishers ("ASCAP"), Broadcast Music, Inc. ("BMI") and SESAC, Inc.). *See also* 1989 Cable Royalty Distribution Proceeding, Docket No. CRT 91-2-89CD, 57 FR 15286, 15287 (April 27, 1992) ((1) Program Suppliers; (2) Sports; (3) U.S. Noncommercial Television (PBS); (4) U.S. Commercial Television (NAB); (5) Music; (6) Devotional Claimants; (7) Canadian Claimants; (8) Non-Commercial Radio (NPR); and (9) Commercial Radio).

In Phase II, royalties are divided among claimants within a particular category. *See* Distribution Order in Docket No. 94-3 CARP CD-90-92, 61 FR 55653, 55655 (Oct. 28, 1996).

<sup>2</sup>IPG Comment, dated October 25, 2005. On October 25, 2005, IPG filed a motion with the CRB requesting that the CRB accept its late-filed comment. *See* Independent Producers Group's Motion to Accept Late-Filed Comments on the Existence of Controversies and Notice of Intent to Participate in Phase I and Phase II Hearings.

The CRB also received a comment from claimants representing program suppliers. This comment is discussed below.