

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-60,756]

**Eramet Marietta; Marietta, OH; Notice
of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 12, 2007 in response to a petition filed by the United Steel Workers, Local 1-00639-01, on behalf of workers at Eramet Marietta, Marietta, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 5th day of February 2007.

Linda G. Poole,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. E7-2286 Filed 2-9-07; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-60,776]

**Kirchner Corporation; Golden Valley,
MN; Notice of Termination of
Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 17, 2007, in response to a worker petition filed by the Service Employees International Union, Local 26, on behalf of workers at Kirchner Corporation, Golden Valley, Minnesota.

The petitioning group of workers is covered by an active certification (TA-W-60,722) which expires on January 22, 2009. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 2nd day of February 2007.

Elliott S. Kushner,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-58,808]

**Lexmark International, Inc.; Supply
Chain Workforce Printing Solutions
And Services Division; Lexington, KY;
Notice of Revised Determination on
Remand**

On December 8, 2006, the U.S. Court of International Trade (USCIT) granted the U.S. Department of Labor's motion for a voluntary remand in *Former Employees of Lexmark International, Inc. v. United States*, Court No. 06-00327.

On February 7, 2006, three workers filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers and former workers of Lexmark International, Inc., Supply Chain Workforce, Printing Solutions and Services Division, Lexington, Kentucky (subject facility). The petitioners stated that the subject facility produced "printers and supplies" and attached an article which stated that Lexmark International, Inc. (Lexmark) planned to move jobs abroad to countries where Lexmark has existing ink cartridge production facilities, including Mexico, China, and the Philippines ("Lexmark benefits from its plans to trim jobs," Bloomberg News, January 25, 2006).

In the negative determination, the Department stated that the subject workers did not work directly in the manufacture of the products made by Lexmark. The determination also stated that the predominant cause of worker separations was not a shift of production abroad but was Lexmark's decision to position support tasks closer to where Lexmark's manufacturing partners and customers are located worldwide, including Mexico and the Philippines.

The Department's Notice of determination applicable to the subject facility was issued on February 24, 2006. The Department's Notice of determination was published in the **Federal Register** on March 22, 2006 (71 FR 14550).

On March 25, 2006, a worker requested administrative reconsideration of the Department's determination. In the request for reconsideration, the worker alleged that the subject workers supported the production of ink and printer cartridges produced by Lexmark and inferred that support activities were shifted overseas when production shifted abroad.

The Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration applicable to the subject facility on April 13, 2006. On April 24, 2006, the Department's Notice of determination was published in the **Federal Register** (71 FR 21042).

During the reconsideration investigation, the Department determined that the subject workers are an integral part of ink and printer cartridge production and are not separately identifiable by product line. However, because the Department was repeatedly informed by the subject firm that neither the subject facility nor Lexmark produced ink or cartridges domestically during the relevant period, the Department determined that the subject workers are not employed by a company covered by the statute and, therefore, are not eligible to apply for TAA because the subject workers were not employed by a firm (or an appropriate subdivision) which produced an article domestically during the relevant period.

The Department's Notice of Negative Determination on Reconsideration applicable to the subject facility was issued on July 19, 2006. The Department's Notice of determination was published in the **Federal Register** on July 31, 2006.

On September 19, 2006, the Plaintiff filed a complaint with the USCIT. In the complaint, the Plaintiff alleged that the Department's determination was based on the erroneous finding that "Lexmark did not produce ink or cartridges domestically during the twelve-month period prior to the petition date."

After careful review of the Plaintiff's complaint and the administrative record, prepared in response to the complaint, the Department filed a motion for voluntary remand.

On December 8, 2006, the USCIT granted the Department's motion for voluntary remand to conduct further investigation and to make a redetermination regarding the Plaintiffs' eligibility to apply for worker adjustment assistance (TAA and ATAA).

In order to make an affirmative determination and issue a certification of eligibility to apply for TAA, the group eligibility requirements in either paragraph (a)(2)(A) or (a)(2)(B) of Section 222 of the Trade Act must be met. It is determined in this case that the requirements of (a)(2)(B) of Section 222 have been met.

During the remand investigation, the Department reviewed the administrative record, contacted Plaintiff's counsel,