

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-56,536, TA-W-56,536A, and TA-W-56,536B]

**Butler Manufacturing Company,
Subsidiary of Bluescope Steel, LTD,
Buildings Division, Wall and Roof
Panels Production, Galesburg, IL;
Buildings Division, Trim and
Components Production, Galesburg,
IL; Buildings Division, Secondaries
Production, Galesburg, IL; Notice of
Affirmative Determination Regarding
Application for Reconsideration**

By application of April 1, 2005, members of the subject worker group requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The negative determination was signed on March 2, 2005 and the Notice of determination was published in the **Federal Register** on April 1, 2005 (70 FR 16847). The workers produced parts for pre-engineered metal buildings systems. Workers are separately identifiable by product line.

The petition was denied because the subject firm did not shift production abroad and there were no increased imports by the subject company or its customers during the relevant period.

The request for reconsideration alleges that the workers are not separately identifiable by product line, that the subject firm will shift of production to India and China in May/June 2005 and import pre-engineered metal buildings from those facilities, that the shift to Mexico will continue, and that the subject firm has increased imports from Mexico, Australia, China and India.

The Department has carefully reviewed the petitioner's request for reconsideration and shall further investigate the matter based on new information provided by the petitioners.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 6th day of April 2005.

Elliott S. Kushner,
*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. E5-1928 Filed 4-22-05; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-55,607]

**Creo Americas, Inc., U.S.
Headquarters, a Subsidiary of Creo,
Inc., Billerica, MA; Notice of Revised
Determination on Remand**

On February 22, 2005, the United States Court of International Trade (USCIT) granted the Department's motion for voluntary remand for further investigation in *Former Employees of Creo Americas, Inc. v. U.S. Secretary of Labor* (Court No. 05-0021).

The Department's denial of the initial petition for Trade Adjustment Assistance (TAA) was issued on October 20, 2004. The Notice of determination was published in the **Federal Register** on November 12, 2004 (69 FR 65462).

The negative determination was based on the finding that the predominant cause of separations at the subject facility was the consolidation of administrative and support functions to the subject firm's corporate headquarters in Canada.

Administrative reconsideration was not requested.

By letter dated January 8, 2005, the petitioner filed an appeal with the USCIT, alleging that worker separations were due to the subject firm's shift of production to Canada. In order to carry out the intent of the statute and to safeguard the interests of the petitioners, the Department requested, and was granted, a voluntary remand to further investigate the matter.

During the remand investigation, the Department raised additional questions and obtained detailed supplemental responses from the company. In particular, the new information provided by the company officials revealed that the subject firm is an integrated organization which coordinates all activities at the subject facility and that the subject worker group supported domestic subject firm production, including the subject firm's production facility in Lynwood, Washington (TA-W-55,165; certified on July 12, 2004) during 2003 and January through September 2004.

The Department also investigated whether Creo Americas, Inc., Creo Seattle Division, A Subsidiary of Creo, Inc., Lynwood, Washington was TAA-certifiable during the relevant period. The investigation revealed that the Lynwood, Washington facility experienced a shift of production to Canada during the relevant period and that the shift of production contributed importantly to the employment declines at the subject facility.

Conclusion

After careful review of the newly-obtained facts generated during the remand investigation, I determine that a shift of production contributed importantly to the total or partial separation of workers at the subject facility. In accordance with the provisions of the Act, I make the following certification:

All workers of Creo Americas, Inc., U.S. Headquarters, A Subsidiary of Creo, Inc., Billerica, Massachusetts, who became totally or partially separated from employment on or after September 7, 2003, through two years from the issuance of this determination, are eligible to apply for Trade Adjustment Assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 5th day of April 2005.

Elliott S. Kushner,
*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. E5-1932 Filed 4-22-05; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-55,826]

**Dendrite International Stroudsburg,
PA; Notice of Negative Determination
on Reconsideration**

On January 31, 2005, the Department of Labor issued its Notice of Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the subject firm. The Department's Notice was published in the **Federal Register** on February 22, 2005 (70 FR 8638).

The Department's initial determination was issued on the basis that the workers did not produce an article within the meaning of section 222(a)(2) of the Trade Act.

In the request for reconsideration, the petitioner alleged that the workers produced an article, licensed pharmaceutical sales software sold in a physical medium, such as CD-ROM.

During the reconsideration investigation, the Department contacted several members of the subject worker group and several company officials to determine whether the workers were engaged in activity related to the production of an article.

The reconsideration investigation revealed that the workers used to work for another company that produced sales force automation software and began working for the subject company when it was purchased by the subject company in 1999. After the purchase, the subject company continued to sell the sales force automation software to vendors within the pharmaceutical industry and provided related software support and maintenance services to its clients, such as implementing changes in the software configuration to adapt to a client's needs. Sales of the software ceased in 2002 and the subject facility did not replicate any software available to the retail public after 2002.

From that time in 2002 until the subject facility closed in 2004, the workers provided software support and maintenance services. The services rendered pursuant to a service contract included providing a "bug-fix" solution burned on a CD to a client in response to a specific problem, sending another copy of the obsolete software per a client's request, and updating software via electronic mail or network messages.

The reconsideration also revealed that those activities which were moved to Bangalore, India did not subsequently enter the United States in a physical medium and that the remaining support services were consolidated into the subject company's Bethlehem, Pennsylvania and Bedminster, New Jersey facilities.

Furthermore, because the "bug-fix" solution was not mass-produced but custom designed to meet specific, one-time needs of an individual client, it was inherently unique. As such, each "bug-fix" release was a separate creation of a trouble-solving solution. Therefore, even if the Department were to consider the "bug-fix" CD to be a product for purposes of TAA, neither Section 222(a)(2)(B)—increased imports—nor Section 222 (a)(2)(A)—shift of production—of the Trade Act would have been met because each solution could not have been considered "like or directly" competitive with other custom designed solutions.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Dendrite

International, Stroudsburg, Pennsylvania.

Signed at Washington, DC, this 1st day of April 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-1940 Filed 4-22-05; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,566B]

Devilbiss Air Power Company, Subsidiary of Black and Decker Compressors/Generators Division, Jackson, TN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 14, 2005 in response to a petition filed by a company official on behalf of workers at DeVilbiss Air Power Company, subsidiary of Black and Decker, Compressors/Generators Division, Jackson, Tennessee.

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

Signed at Washington, DC this 30th day of March, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-1929 Filed 4-22-05; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,722]

Fisher Controls, North Stonington, CT, Now Located In Pawcatuck, CT; 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) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on January 8, 2004, applicable to workers of Fisher Controls, North Stonington, Connecticut. The notice was published in the **Federal Register** on February 6, 2004 (69 FR 5867).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of rotary valves.

New information shows that in October 2004, the subject firm located in North Stonington, Connecticut, relocated to Pawcatuck, Connecticut.

Accordingly, the Department is amending this certification to include workers at the new location of the subject firm in Pawcatuck, Connecticut.

The intent of the Department's certification is to include all workers employed at Fisher Controls, who were adversely affected by increased imports.

The amended notice applicable to TA-W-53,722 is hereby issued as follows:

All workers of Fisher Controls, North Stonington, Connecticut, now located in Pawcatuck, Connecticut, who became totally or partially separated from employment on or after December 2, 2002, through January 8, 2006, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 5th day of April 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-1944 Filed 4-22-05; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-56,272]

Geotrac, Inc., Norwalk, OH; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Geotrac, Inc., Norwalk, Ohio. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-56,272; Geotrac, Inc. Norwalk, Ohio (April 1, 2005)

Signed at Washington, DC this 14th day of April 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E5-1935 Filed 4-22-05; 8:45 am]

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