

All workers of Dana Corporation, Torque-Traction Manufacturing, Inc., including on-site leased workers of Diversco Integrated Services, Inc., and Haas Total Chemical Management, Inc., Cape Girardeau, Missouri, who became totally or partially separated from employment on or after July 30, 2007, through July 23, 2009, 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 1st day of October 2007.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-19723 Filed 10-4-07; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,821]

Hanes Brands Incorporated, Forest City, NC; Notice of Negative Determination Regarding Application for Reconsideration

By application of August 27, 2007, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice was signed on July 25, 2007 and published in the **Federal Register** on August 9, 2007 (72 FR 44866).

Pursuant to 29 CFR 90.18(c) 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.

The TAA petition filed on behalf of workers at Hanes Brands Incorporated, Forest City, North Carolina engaged in the production of fleece and Jersey fabric, was denied based on the findings that during the relevant time period, the subject company did not separate or threaten to separate a significant number or proportion of workers, as required by Section 222 of the Trade Act of 1974.

In the request for reconsideration, the petitioner states that there was a significant decrease in employment at the subject firm in the past few years and that the subject firm replaces workers who have left the company by temporary labor.

The company official was contacted to verify employment numbers at the subject firm. When assessing eligibility for TAA, the Department exclusively considers the relevant employment data (for one year prior to the date of the petition and any imminent layoffs) for the facility where the petitioning worker group was employed. The company official confirmed what was established during the initial investigation. Production and salaried worker employment at the subject firm has increased from 2005 to 2006 and from January through June of 2007 when compared with the same period in 2006. Furthermore, the company official clarified that the subject firm does hire temporary workers in the times of increased demand. However, the employment numbers provided by the company official in the initial investigation do not reflect temporary workers.

Should conditions change in the future, the petitioner is encouraged to file a new petition on behalf of the worker group which will encompass an investigative period that will include these changing conditions.

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 28th day of September 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-19726 Filed 10-4-07; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,760]

Hutchinson Technology, Eau Claire, WI; Notice of Affirmative Determination Regarding Application for Reconsideration

By application postmarked August 22, 2007, the petitioner requested

administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers and former workers of the subject firm. The denial notice was signed on July 10, 2007 and published in the **Federal Register** on July 26, 2007 (72 FR 41088).

The initial investigation resulted in a negative determination based on the finding that imports of suspension assemblies for disk drives did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred.

In the request for reconsideration, the petitioner provided additional information regarding the subject firm's customers.

The Department has reviewed the workers' request for reconsideration and the existing record, and has determined that an administrative review is appropriate. Therefore, the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

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 in Washington, DC, this 28th day of September 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-19725 Filed 10-4-07; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-62,147]

Information Systems Network, Buckhead, GA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 17, 2007 in response to a worker petition filed by a company official on behalf of workers at Information Systems Network, Buckhead, Georgia.

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

Signed at Washington, DC, this 28th day of September 2007.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-19722 Filed 10-4-07; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification; Under Executive Orders 12073 and 10582

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas for Fiscal Year (FY) 2008.

DATES: *Effective Date:* The annual list of labor surplus areas is effective October 1, 2007 for all states, the District of Columbia, and Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Anthony D. Dais, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210. Telephone: (202) 693-2784 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. These regulations require the Assistant Secretary of Labor for the Employment and Training Administration (ETA) to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations, the Assistant Secretary of Labor is hereby publishing the annual list of labor surplus areas.

In addition, the regulations provide exceptional circumstance criteria for classifying labor surplus areas when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

Eligible Labor Surplus Areas

Procedures for Classifying Labor Surplus Areas

Under the labor surplus area classification methodology, areas are classified as having a surplus of labor based on civil jurisdictions rather than

on metropolitan statistical areas or labor market areas. Civil jurisdictions are defined as all cities with a population of at least 25,000 and all counties. Townships with a population of 25,000 or more are also considered as civil jurisdictions in four states (Michigan, New Jersey, New York, and Pennsylvania). In Connecticut, Massachusetts, Puerto Rico, and Rhode Island, where counties have very limited or no government functions, the classifications are done for individual towns.

A civil jurisdiction is classified as a labor surplus area when its average unemployment rate was at least 20 percent above the average unemployment rate for all states (including the District of Columbia and Puerto Rico) during the previous two calendar years. During periods of high national unemployment, the 1.20 percent ratio is disregarded and an area is classified as a labor surplus area if its unemployment rate during the previous two calendar years was 10 percent or more. This 10 percent "ceiling" comes into effect whenever the two-year average unemployment rate for all states was 8.3 percent or above (i.e., 8.3 percent times the 1.20 ratio equals 10.0 percent). Similarly, a "floor" of 6.0 percent is used during periods of low national unemployment in order for an area to qualify as a labor surplus area. The six percent "floor" comes into effect whenever the average unemployment rate for all states during the two-year reference period was 5.0 percent or less.

The Department of Labor issues the labor surplus area list on a fiscal year basis. The list becomes effective each October 1 and remains in effect through the following September 30. The reference period used in preparing the current list was January 2005 through December 2006. The national average unemployment rate during this period was 4.9 percent. Applying the "floor" concept, the unemployment rate for an area to qualify as having a surplus of labor for FY 2008 is 6.0 percent. Therefore, areas included on the FY 2008 labor surplus area list had an average unemployment rate of 6.0 percent or above during the reference period. The FY 2008 labor surplus area list can be accessed at <http://www.doleta.gov/programs/lisa.cfm>.

Petition for Exceptional Circumstance Consideration

The classification procedures also provide for the designation of labor surplus areas under exceptional circumstance criteria. These procedures permit the regular classification criteria

to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the two-year reference period. Under the program's exceptional circumstance procedures, labor surplus area classifications can be made for civil jurisdictions, Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas. In order for an area to be classified as a labor surplus area under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the Department of Labor's Employment and Training Administration. The current criteria for an exceptional circumstance classification are: an area unemployment rate of at least 6.0 percent for each of the three most recent months; a projected unemployment rate of at least 6.0 percent for each of the next 12 months; and documentation that the exceptional circumstance event has already occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, as well as Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas, as defined by the Office of Management and Budget (OMB). The addresses of state workforce agencies are available in this notice and on the ETA Web site at <http://www.doleta.gov/programs/lisa.cfm>. State workforce agencies may submit petitions in electronic format to dais.anthony@dol.gov, or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210. Data collection for the petition is approved under OMB 1205-0207, dated November 23, 2004.

State Workforce Agencies

- Alabama—Department of Industrial Relations, 649 Monroe St., Room 2204, Montgomery 36131.
- Alaska—Department of Labor & Workforce Development, P.O. Box 111149, Juneau 99811-1149.
- Arizona—Arizona Department of Economic Security, P.O. Box 6123, Site Code 901A, Phoenix 85005.
- Arkansas—Employment Security Department, P.O. Box 2981, Little Rock 72203.
- California—Employment Development Department, 800 Capitol Mall, Sacramento 95814.
- Colorado—Department of Labor and Employment, 633 17th Street, suite 1200, Denver 80202-3660.