

not a major customer of the subject firm. Therefore, the Department determines P.H. Gladfether accounted for less than twenty percent of overall subject firm sales or production and the loss of business with this customer did not contribute importantly to the workers' separations.

In order to determine whether the workers are eligible to apply for TAA as secondarily-affected workers of a company that supplied flexible plastic packaging to a firm with a currently TAA-certified worker group, the Department requested the subject firm's 2005 sales figures for Farley's and Sather Candy, Archibald Candy, American Safety Razor, and Bob's Candy.

The reconsideration investigation revealed that, during the relevant period, the subject firm conducted no business with three of the customers identified by the Union and conducted an insignificant amount of business with the fourth customer. As such, the Department determines that each customer accounted for less than twenty percent of overall subject firm sales or production and that the loss of business with each customer did not contribute importantly to the workers' separations.

The Union also alleged in the request for reconsideration that flexible plastic packaging production had shifted abroad. During the reconsideration investigation, the Department confirmed that flexible plastic packaging production did not shift abroad but shifted to affiliated production facilities

in Lancaster, Wisconsin and Lebanon, Pennsylvania.

**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 revision of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 21st day of July 2006.

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

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**BILLING CODE 4510-30-P**

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than August 10, 2006.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than August 10, 2006.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 20th day of July 2006.

**Erica R. Cantor,**  
*Director, Division of Trade Adjustment Assistance.*

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Certifications, of Eligibility To Apply for Worker Adjustment Assistance, and Alternative Trade Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

**APPENDIX**

[TAA petitions instituted between 7/10/06 and 7/14/06]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
59683	Morse Automotive Corp. (State)	Arkadelphia, AR	07/10/06	07/07/06
59684	Whirlpool Corp. (State)	Fort Smith, AR	07/10/06	07/07/06
59685	Laidlaw Corporation (Comp)	Metropolis, IL	07/10/06	07/07/06
59686	Maxtor Corp. (Comp)	Shrewsbury, MA	07/10/06	07/07/06
59687	Connecticut General Life Insurance Co. (Wkrs)	Philadelphia, PA	07/10/06	05/11/06
59688	Pace Industries Inc. (Comp)	Harrison, AR	07/12/06	07/11/06
59689	Alliance Group Technologies Co. Kokkomo, Inc. (Comp)	Peru, IN	07/12/06	07/10/06
59690	Thomson Micron, LLC (State)	Ronkonkoma, NY	07/12/06	07/10/06
59691	Russell Corporation (Comp)	Brundidge, AL	07/12/06	07/07/06
59692	Hooker Furniture Corp. (Comp)	Roanoke, VA	07/12/06	07/10/06
59693	Bowne (Wkrs)	Cleveland, OH	07/12/06	07/10/06
59694	Telect, Inc. (Comp)	Liberty Lake, WA	07/12/06	07/10/06
59695	Newell Rubbermaid (Comp)	Centerville, IA	07/12/06	06/29/06
59696	Metrobility Optical Systems (Wkrs)	Merrimack, NH	07/12/06	07/10/06
59697	Scharf and Breit, Inc. (Comp)	Franklin Sq., NY	07/12/06	07/10/06
59698	American Fast Print Limited (Comp)	Greenville, SC	07/12/06	07/11/06
59699	Excell Data Corporation (State)	Bellevue, WA	07/12/06	07/10/06
59700	RMG Foundry LLC (USW)	Mishawaka, IN	07/12/06	07/10/06
59701	Pilgrim Home and Hearth, LLC (Comp)	Fairfield, CA	07/12/06	07/11/06
59702	Automatic Products Int'l, LTD (State)	St. Paul, MN	07/12/06	07/11/06
59703	Demers Leather Sales Inc. (Comp)	Lewiston, ME	07/12/06	07/11/06
59704	South Park Pleating, Inc. (Wkrs)	Oakland, CA	07/12/06	07/11/06
59705	Computer Sciences Corporation (Wkrs)	Sterling, VA	07/13/06	06/27/06

## APPENDIX—Continued

[TAA petitions instituted between 7/10/06 and 7/14/06]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition 59683
59706	Eaton Filtration LLC (Comp)	Elizabeth, NJ	07/13/06	07/12/06
59707	Welch Allyn, Inc. (Comp)	San Diego, CA	07/13/06	07/11/06
59708	Mar Bax Shirt Company Inc. (State)	Gassville, AR	07/13/06	07/12/06
59709	Stimson Lumber Company (Wkrs)	St. Helens, OR	07/13/06	07/11/06
59710	Oxbow Machine Products (Wkrs)	Livonia, MI	07/13/06	06/20/06
59711	KPMG (State)	Charlotte, NC	07/13/06	07/12/06
59712	American Sunroof Company (UAW)	Lansing, MI	07/13/06	06/23/06
59713	State Farm Insurance (Wkrs)	Parsippany, NJ	07/13/06	06/14/06
59714	Jakel Inc. (Wkrs)	Murray, KY	07/13/06	06/26/06
59715	Salisbury Manufacturing Corp. (Comp)	Salisbury, NC	07/13/06	06/28/06
59716	Pinnacle Frames and Accents, Inc. (State)	Piggott, AR	07/13/06	07/13/06
59717	Kent Sporting Goods (State)	Madison, GA	07/13/06	07/12/06
59718	Monroe Staffing Services, LLC (State)	Wallingford, CT	07/14/06	07/13/06
59719	Eaton Corporation (Comp)	Hastings, NE	07/14/06	07/11/06
59720	MacDermid, Inc. (State)	Waterbury, CT	07/14/06	07/13/06
59721	Mercury Marine (IAMAW)	Fond du Lac, WI	07/14/06	07/13/06
59722	Joan Fabrics Corporation (Comp)	Lowell, MA	07/14/06	07/13/06
59723	C and D Technologies (Comp)	Huguenot, NY	07/14/06	07/13/06
59724	Centris Information Service (Comp)	Longview, TX	07/14/06	07/06/06
59725	Agilent Technologies (Wkrs)	Wilmington, DE	07/14/06	07/13/06

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## DEPARTMENT OF LABOR

## Employment and Training Administration

[TA-W-59,583]

## Nibco, Inc., South Glens Falls, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 20, 2006, in response to a worker petition filed by a company official on behalf of workers at NIBCO, Inc., South Glens Falls, New York.

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

Signed at Washington, DC, this 11th day of July 2006.

Elliott S. Kushner,

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

## Employment and Training Administration

[TA-W-59,039]

## Nortel, Xpm Gnps, Design and Support, Research Triangle Park, NC; Notice of Negative Determination Regarding Application for Reconsideration

By application dated May 25, 2006, 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 applicable to workers of Nortel, XPM GNPS, Design and Support, Research Triangle Park, North Carolina was signed on April 26, 2006 and published in the **Federal Register** on May 11, 2006 (71 FR 27520).

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

The TAA petition filed on behalf of workers at Nortel, XPM GNPS, Design

and Support, Research Triangle Park, North Carolina engaged in research and development organization that was responsible for development of software in support of all releases related to XPM was denied because the petitioning workers did not produce an article within the meaning of Section 222 of the Act.

The petitioner contends that the Department erred in its interpretation of work performed at the subject facility as providing a service and further conveys that workers of the subject firm "created a new firmware load for the Calls Modem Resource (aka CMR)" and that "it is a new product which is only sent to paying customers."

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that workers of the subject firm were not directly involved in the work that went into the aforementioned load. Furthermore, the changes that were made in the firmware load were a direct result of a reported problem in the field and were not made to provide a feature to the field. The official further clarified that the firmware was not sold but given to the field and that the production of the modified firmware was not moved to a foreign facility but started and remained offshore, once the changes to it were implemented. The official stated that the loads are being built in a foreign country and the workers of the subject firm support this offshore production.

The sophistication of the work involved is not an issue in ascertaining