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Dated: June 5, 2006.

**Lynn Bryant,**

*Department Deputy Clearance Officer,  
Department of Justice.*

[FR Doc. E6-8972 Filed 6-8-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-58,762]

#### **Agilent Technologies, Inc.; Global Financial Services Division; Colorado Springs, CO; Notice of Revised Determination on Reconsideration**

By application dated March 21, 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) and Alternative Trade Adjustment Assistance (ATAA). The negative determination applicable to workers of Agilent Technologies, Inc., Global Financial Services Division, Colorado Springs, Colorado was signed on February 16, 2006. The Department's Notice of determination was published in the **Federal Register** on March 10, 2006 (71 FR 12397). The subject workers provide accounting and financial services.

The Department's determination was issued on the findings that the workers do not produce an article and do not directly support production which took place at the subject facility.

In the request for reconsideration, the petitioner asserts that the subject workers support production in three divisions of Agilent Technologies, Inc. (subject firm): Test and Measurement, Life Sciences, and Semi-Conductor Test Solutions. Supplemental information reveals that a significant portion of subject firm operations is related to the Test and Measurement Group.

On September 30, 2005, the subject facility was certified for TAA and ATAA (Agilent Technologies, Inc., Electronic Measurement Group, Colorado Springs, Colorado (TA-W-57,742G).

In previously-submitted material, a subject firm official stated that the subject workers did not support the production of a specific article, but provided administrative support for the entire subject firm, including affiliated facilities producing electronic test

equipment. The material also indicated that a significant portion of the subject worker group was separated or threatened with separation during the relevant period.

Because the Department does not discern any significant differences between the workers covered in TA-W-57,742G and the subject worker group, the Department determines that, during the relevant period, the subject workers are engaged in activity supporting production, that the facilities they support shifted production abroad, and that there are likely import increases of articles like or directly competitive with those produced by the subject firm (electronic testing equipment).

In accordance with Section 246 the Trade Act of 1974, as amended, the Department herein presents the results of its investigation regarding certification of eligibility to apply for 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, as amended, 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 information obtained in the reconsideration investigation, I determine that a shift of production abroad followed by increased imports of electronic measurement equipment like or directly competitive with those produced by the firm contributed importantly to separations at the subject facility. In accordance with the provisions of the Act, I make the following certification:

"All workers of Agilent Technologies, Inc., Global Financial Services Division, Colorado Springs, Colorado, who became totally or partially separated from employment on or after January 31, 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 in Washington, DC, this 31st day of May 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade  
Adjustment Assistance.*

[FR Doc. E6-9011 Filed 6-8-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-58,540]

#### **Cytech Hardwoods, Inc., Amsterdam, NY; Notice of Negative Determination on Reconsideration**

On March 17, 2006, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Department's Notice of determination was published in the **Federal Register** on March 29, 2006 (71 FR 15766). Workers produce hardwood lumber and hardwood flooring and are not separately identifiable by product line.

The initial negative determination was issued because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met. The investigation revealed that the subject firm did not shift production abroad and neither the subject firm nor any of the major declining customers increased their imports of hardwood lumber during the relevant period. The subject firm ceased production in December 2005.

In the request for reconsideration, the company official stated that the subject firm's customers are "importing finished goods \* \* \*. therefore, they no longer purchase domestic lumber to support finished goods."

Since the initial investigation did not address the issue of hardwood flooring imports, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. As such, the Department conducted another survey of the customers of their purchases of hardwood lumber and hardwood flooring. The expanded survey revealed no imports of either product during the relevant period.

Based on the company official's allegation in the request for reconsideration, the Department investigated whether the workers of the subject firm are eligible for Trade Adjustment Assistance (TAA) based on the secondary upstream supplier impact. For certification on the basis of the workers' firm being an upstream supplier, the subject firm must have customers that are TAA certified, and these TAA certified customers must

represent a significant portion of subject firm's business. In addition, the subject firm would have to produce a component part of the product that was the basis for the customers' certification.

A search of the TAA database revealed that, for the relevant period, none of the subject firm's major declining customers are TAA certified. As such, the subject worker group is not eligible for TAA under secondary impact.

In order for the Department to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA), the worker group must be certified eligible to apply for TAA. Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

#### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance and alternative trade adjustment assistance for workers and former workers of CyTech Hardwood, Inc., Amsterdam, New York.

Signed at Washington, DC, this 31st day of May 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance*

[FR Doc. E6-9009 Filed 6-8-06; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-59,111]

##### Eastman Kodak Company; United States and Canada Finance Department; Rochester, NY; 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 Eastman Kodak Company, United States and Canada Finance Department, Rochester, New York. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA-W-59,111; Eastman Kodak Company United States and Canada

Finance Department Rochester, New York (May 31, 2006)

Signed at Washington, DC, this 1st day of June 2006.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance*

[FR Doc. E6-9019 Filed 6-8-06; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

##### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the periods of May 2006.

In order for an affirmative determination to be made and a certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, each of the group eligibility requirements of section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

##### Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of section 222 have been met, and section 246(a)(3)(A)(ii) of the Trade Act have been met.