

customers and that there are no products manufactured within the subject firm.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance, but rather only whether they produced an article within the meaning of section 222 of the Trade Act of 1974.

Technical writing, design, programming, testing and technical assistance of the software is not considered production of an article within the meaning of Section 222 of the Trade Act. Petitioning workers do not produce an "article" within the meaning of the Trade Act of 1974. Information electronic databases, technical documentation and codes, are not tangible commodities, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), as classified by the United States International Trade Commission (USITC), Office of Tariff Affairs and Trade Agreements, which describes articles imported to the United States.

To be listed in the HTS, an article would be subject to a duty on the tariff schedule and have a value that makes it marketable, fungible and interchangeable for commercial purposes. Although a wide variety of tangible products are described as articles and characterized as dutiable in the HTS, informational products that could historically be sent in letter form and that can currently be electronically transmitted are not listed in the HTS. Such products are not the type of products that customs officials inspect and that the TAA program was generally designed to address.

The investigation on reconsideration supported the findings of the primary investigation that the petitioning group of workers does not produce an article. Furthermore, workers of the subject firm did not support production of an article at any affiliated facility.

The petitioner further alleges that because workers lost their jobs due to a transfer of job functions to Canada, petitioning workers should be considered import impacted.

The company official stated that the positions of six technical support representatives were moved to a Canadian office as a result of the closure of the subject firm.

Technical support of informational documentation that is electronically transmitted is not considered production within the context of TAA eligibility requirements. Further, as software and technical documentation do not become products until they are recorded on media device, there was no

shift in production of an "article" abroad within the meaning of the Trade Act of 1974.

Service workers can be certified only if worker separations are caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article domestically who meet the eligibility requirements, or if the group of workers are leased workers who perform their duties on-site at a facility that meet the eligibility requirements.

#### 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 ACCPAC International, Inc., Customer Support, Santa Rosa, California.

Signed at Washington, DC this 21st day of October, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 05-22323 Filed 11-8-05; 8:45 am]

**BILLING CODE 4510-30-U**

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-58,081]

##### Accufab Industries New Freedom, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 6, 2005 in response to a petition filed by a company official on behalf of workers at Accufab Industries, New Freedom, Pennsylvania.

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

Signed at Washington, DC this 31st day of October, 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 05-22327 Filed 11-8-05; 8:45 am]

**BILLING CODE 4510-30-P**

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-58,097]

##### Agilent Technologies, Inc. Wireless Business Unit a Division of the Electronic Measurements Group Loveland, CO; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 7, 2005, in response to a petition filed by a State agency representative on behalf of workers of Agilent Technologies, Inc., Wireless Business Unit, a division of the Electronics Measurements Group, Loveland, Colorado.

The petitioning group of workers is covered by a current certification (TA-W-57,742J) issued on September 30, 2005, applicable to all workers of Agilent Technologies, Inc., Electronics Measurement Group, Loveland, Colorado. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 20th day of October, 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 05-22328 Filed 11-8-05; 8:45 am]

**BILLING CODE 4510-30-P**

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

##### Investigations Regarding Certifications of Eligibility To Apply for Worker 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.

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 November 21, 2005.

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 November 21, 2005.

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 3rd day of November 2005.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance.*

**Appendix**

TAA PETITIONS INSTITUTED BETWEEN 10/17/05 AND 10/28/05

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
58137	BNZ Materials, Inc., (USWA)	Zelienople, PA	10/17/05	09/29/05
58138	Halmode Apparel, (Comp)	New York, NY	10/17/05	10/06/05
58139	Kellogg Brown and Root, Inc., (KBR), (State)	Mansfield, LA	10/17/05	10/14/05
58140	Samuel Son and Company, (Wkrs)	Detroit, MI	10/17/05	10/13/05
58141	IBM Corporation, (Wkrs)	Muskegon, MI	10/17/05	10/10/05
58142	Vishay Roederstein Electronics, Inc., (Comp)	Statesville, NC	10/17/05	10/13/05
58143	Gunderson, (State)	Portland, OR	10/17/05	10/14/05
58144	General Electric Company, (Wkrs)	Fort Wayne, IN	10/17/05	09/28/05
58145	General Cable Industries, Inc., (State)	Dayville, CT	10/17/05	10/17/05
58146	Wabash Alloys, (GMP)	Cleveland, OH	10/17/05	10/17/05
58147	Valley Woodworking Company, (Comp)	Lenoir, NC	10/17/05	10/17/05
58148	Ranco North America, (Comp)	Brownsville, TX	10/17/05	10/07/05
58149	Federal Mogul, (Wkrs)	Sparta, TN	10/17/05	10/17/05
58150	Siemens Energy and Automation, Inc., (Comp)	Bellefontaine, OH	10/18/05	10/17/05
58151	Carhartt, Inc., (Comp)	Dover, TN	10/18/05	10/18/05
58152	Native Textiles, (Comp)	Glens Falls, NY	10/18/05	10/17/05
58153	GE Sensing, (State)	New Fairfield, CT	10/18/05	10/17/05
58154	Hewlett-Packard, (Wkrs)	Nashua, NH	10/18/05	10/14/05
58155	Vansco Electronics, Inc., (Wkrs)	Valley City, ND	10/18/05	10/05/05
58156	Furukawa Electric North American APD, Inc., (Comp)	Plymouth, MI	10/18/05	10/03/05
58157	High Cotton Enterprises, Inc., (State)	Fort Payne, AL	10/18/05	10/07/05
58158	Falcon Plastics, (Comp)	Washington, PA	10/18/05	10/05/05
58159	FDB, Inc., (Wkrs)	Lincolnton, GA	10/18/05	09/28/05
58160	Ingram Micro, (Wkrs)	Santa Ana, CA	10/18/05	09/29/05
58161	Maxi Seal Harness Systems, Inc., (Comp)	Garland, TX	10/18/05	10/03/05
58162	Style Setter Fashions, Inc., (UNITE)	Philadelphia, PA	10/18/05	10/05/05
58163	V.C. Originals, (Wkrs)	Ridgeland, MS	10/18/05	09/20/05
58164	Dan River, Inc. (Comp)	Rutherfordton, NC	10/18/05	10/18/05
58165	Crane Plumbing, (Wkrs)	Ferguson, KY	10/18/05	10/06/05
58166	Penn-Union Corp., (GMP)	Edinboro, PA	10/18/05	10/06/05
58167	Galgon Industries, Inc., (Wkrs)	Fremont, CA	10/18/05	10/06/05
58168	Cooper Hand Tools, (Wkrs)	York, PA	10/18/05	09/27/05
58169	Motorola, Inc., (Wkrs)	Schaumburg, IL	10/18/05	09/21/05
58170	International Specialty Products, (Wkrs)	San Diego, CA	10/18/05	10/11/05
58171	Cooper Standard Automotive, (USW)	Auburn, IN	10/19/05	09/14/05
58172	Pioneer Companies, Inc., (ICWUC)	Tacoma, WA	10/19/05	10/18/05
58173	Cargill Malt, (USW)	Jefferson, WI	10/19/05	10/18/05
58174	Needletrade Services, LTD, (Comp)	Fall River, MA	10/19/05	10/18/05
58175	T.I. Automotive, (State)	Meriden, CT	10/20/05	10/19/05
58176	Dixon Ticonderoga Company, (Comp)	Versailles, MO	10/20/05	10/19/05
58177	Rexnord Corp., (Comp)	Warren, PA	10/24/05	10/20/05
58178	Bassett Furniture Industries, Inc., (Comp)	Mt. Airy, NC	10/24/05	10/20/05
58179	Oakwood Furniture Mfg., Inc., (Comp)	New Tazewell, TN	10/24/05	10/20/05
58180	Ensign-Bickford Company (The), (Comp)	Spanish Fork, UT	10/24/05	10/20/05
58181	Stimson Lumber Company, (Comp)	Coeur d Alene, ID	10/24/05	10/20/05
58182	Meridian Beartrack Company, (Comp)	Salmon, ID	10/24/05	10/18/05
58183	Firestone Tube Company, (State)	Russellville, AR	10/24/05	10/20/05
58184	Georgia-Pacific, (Comp)	Green Bay, WI	10/24/05	10/12/05
58185	General Electric, (State)	Mebane, NC	10/24/05	10/13/05
58186	Microsoft, (Wkrs)	Charlotte, NC	10/24/05	10/14/05
58187	Amerex Group, Inc., (Wkrs)	Cottage Grove, WI	10/24/05	10/08/05
58188	Staley Fabricators, Inc., (Comp)	Staley, NC	10/24/05	10/21/05

## TAA PETITIONS INSTITUTED BETWEEN 10/17/05 AND 10/28/05—Continued

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
58189	Meridian Automotive Systems, Inc., (Comp).	Canandaigua, NY	10/24/05	10/21/05
58190	Meridian Automotive Systems Grand Rapids, (State).	Grand Rapids, MI	10/24/05	10/21/05
58191	Brown Jordan Co., (State)	El Monte, CA	10/24/05	10/11/05
58192	Kim Bo Sewing Co., (Wkrs)	San Francisco, CA	10/24/05	10/07/05
58193	Goodman Veneer and Lumber, (Wkrs)	Goodman, WI	10/24/05	10/21/05
58194	Springs Industries, Inc., (Comp)	Lancaster, SC	10/24/05	10/20/05
58195	Kinesis USA, Inc., (Comp)	Portland, OR	10/24/05	10/13/05
58196	Thomas C. Wilson, Inc., (Comp)	Long Island City, NY	10/24/05	10/14/05
58197	Flynn Enterprises, LLC, (Wkrs)	Elkton, KY	10/24/05	10/20/05
58198	Lake View Finishing, Inc., (Comp)	Lake View, SC	10/25/05	10/18/05
58199	Carpostan Industries, Inc., (Comp)	Lake View, SC	10/25/05	10/18/05
58200	Carpostan Yarn, Inc., (Comp)	Lake View, SC	10/25/05	10/18/05
58201	Hewlett-Packard, (Wkrs)	Boise, ID	10/25/05	10/17/05
58202	Key Plastics, (Wkrs)	Hamilton, IN	10/25/05	10/17/05
58203	American Recreation Products, (Comp)	New Haven, MO	10/25/05	10/24/05
58204	Bethel Furniture Stock, Inc., (Comp)	Bethel, ME	10/25/05	09/26/05
58205	Berliss Bearing Co., (State)	Livingston, NJ	10/25/05	09/27/05
58206	B and J Knits, Inc., (Comp)	Statesville, NC	10/25/05	10/20/05
58207	Fiskars Home Leisure, (Comp)	Opelika, AL	10/26/05	10/12/05
58208	Allegheny Ludlum, (Wkrs)	Brackenridge, PA	10/26/05	10/24/05
58209	Carolina Steel Products, Inc., (Comp)	Gastonia, NC	10/26/05	10/22/05
58210	Tooling Science, (State)	Maple Grove, MN	10/26/05	10/25/05
58211	Fisher Technical Development, Inc., (Comp).	Columbia, MD	10/26/05	10/25/05
58212	Wright Products Co., (Wkrs)	Rice Lake, WI	10/26/05	10/25/05
58213	Celand Yarn Dyers, Inc., (Comp)	Thomasville, NC	10/26/05	10/19/05
58214	Quincrafts Corporation, (Wkrs)	Pawtucket, RI	10/26/05	10/20/05
58215	Bespak, Inc., (Wkrs)	Apex, NC	10/26/05	10/25/05
58216	Yankee Plastics, Inc., (Comp)	East Hampton, MA	10/26/05	10/18/05
58217	Carolina Mills, Inc., (Comp)	Valdese, NC	10/26/05	10/26/05
58218	Encad, Inc., (Comp)	San Diego, CA	10/26/05	10/26/05
58219	Woodline Productions, (State)	Medford, OR	10/27/05	10/25/05
58220	Amsea, Inc., (Comp)	Fenton, MI	10/27/05	10/21/05
58221	Cambridge Integrated Services Group, Inc., (Wkrs).	Mt. Clemens, MI	10/27/05	10/19/05
58222	Ansonia Copper and Brass, Inc., (Comp).	Ansonia, CT	10/27/05	10/26/05
58223	Alsco American Industrial Service, (State).	Portland, OR	10/27/05	10/26/05
58224	Eaton Corporation, (Comp)	Jackson, MI	10/28/05	10/28/05
58225	New Riverside Ochre Company, (Comp).	Cartersville, GA	10/28/05	10/17/05
58226	Alcan Packaging—Cebal Americas, (Comp).	Cypress, CA	10/28/05	10/20/05
58227	Average Joe, (State)	Los Angeles, CA	10/28/05	10/18/05
58228	General Electric, (Comp)	Hebron, OH	10/28/05	10/14/05
58229	Dubuit of America, (State)	Niles, IL	10/28/05	10/17/05
58230	IBM, (Wkrs)	Rochester, MN	10/28/05	10/18/05
58231	Peak Oilfield Services, (Comp)	Kenai, AK	10/28/05	10/27/05

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BILLING CODE 4510-30-P

## 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, Building Division, Wall and Roof Panels Production, Galesburg, IL; Butler Manufacturing Company, Subsidiary of Bluescope Steel, Ltd, Building Division, Trim and Components Production, Galesburg, IL; Butler Manufacturing Company, Subsidiary of Bluescope Steel, Ltd, Building Division, Secondaries Production, Galesburg, IL; Notice of Negative Determination on Remand**

The United States Court of International Trade (USCIT) granted the Department of Labor's motion for voluntary remand for further investigation in *Former Employees of Butler Manufacturing Company v. United States Secretary of Labor* (Court No. 05-00440, issued September 2, 2005). AR 181-182.

On February 7, 2005, three workers filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers at Butler Manufacturing Company, Galesburg, Illinois (TA-W-56,536). The petitioners stated that the workers' separations were due to the shift of the subject firm's production of prefabricated buildings to India, Mexico, and China and Butler's imports of that article from Mexico and China. AR 2.

The Secretary of Labor may certify as eligible for TAA benefits only those workers who are employed in the subdivision that produces the article that is adversely affected by imports of "like or directly competitive" articles. *Paden v. U.S. Department of Labor*, 562 F.2d 470, 475 (7th Cir.1977); See *Abbott v. Donovan*, 596 F.Supp 475 (C.I.T. 1984). Therefore, during the investigation, the Department of Labor (hereafter referred to as "the Department") requested information from Butler Manufacturing Company in order to determine what articles were produced at the subject firm during February 2004 through February 2005, the twelve month period prior to the petition date (February 7, 2005) which is the "relevant period" for investigation. The Department also requested sale, production, and import

figures regarding those articles produced at the Galesburg, Illinois facility during (AR 25-39, 57-66, 68) and conducted a survey of the company's major customer's regarding their purchases of those articles during the relevant period. AR 53-56, 67.

Based on information provided by the subject firm (AR 68), the Department partitioned the petition into three subparts (Butler Manufacturing Company, Subsidiary of BlueScope Steel, LTD, Buildings Division, Wall and Roof Panels Production, Galesburg, Illinois, TA-W-56,536; Butler Manufacturing Company, Subsidiary of BlueScope Steel, LTD, Buildings Division, Trim and Components Production, Galesburg, Illinois, TA-W-56,536A; and Butler Manufacturing Company, Subsidiary of BlueScope Steel, LTD, Buildings Division, Secondaries Production, Galesburg, Illinois, TA-W-56,536B)—hereafter referred to collectively as "the subject firm"—to address those articles produced at Butler Manufacturing Company, Galesburg, Illinois facility during the relevant period: Panels, trim and components, and secondaries.

On March 2, 2005, the Department issued a determination denying certification of the workers' eligibility to apply for TAA and ATAA. AR 72-75. The negative determination was based on the investigation's findings that the subject firm did not shift its production of panels, trim and components, or secondaries to a foreign country and that there were no increased imports by the subject firm or its customers of panels, trim and components, or secondaries. The Department's Notice of determination was published in the **Federal Register** on April 1, 2005 (70 FR 16847). AR 80.

By application of April 1, 2005, the petitioners requested administrative reconsideration of the Department's denial, alleging that the workers were not separately identifiable by product line and that the workers' separations were due to a shift of production abroad and increased imports. AR 84-87. On April 1, 2005, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration. AR 92. On April 23, 2005, the Notice was published in the **Federal Register** (70 FR 21247). AR 125.

During the reconsideration investigation, the Department contacted the subject company (AR 100, 133-139) and the workers (AR 104-105) for additional information. Based on information received by the company officials (AR 100, 129, 133-139) and the workers (AR 106-124, 126-128, 130-132), the Department determined on

reconsideration that the workers were ineligible to apply for TAA and ATAA. The Department determined that those workers were not separately identifiable by product line and, nevertheless, that the subject firm did not shift production of panels, trim and components, or secondaries abroad. Instead, the subject firm was shifting production of those articles to domestic, affiliated facilities. AR 140-143. The Department issued a Notice of Negative Determination on Reconsideration on May 11, 2005. The Notice of Negative Determination on Reconsideration was published in the **Federal Register** on May 25, 2005 (70 FR 30142). AR 179-180.

By letter dated July 21, 2005 to the USCIT, petitioners requested judicial review. AR 154-155.

On September 2, 2005, the USCIT granted the Department's request for voluntary remand and directed the Department to further investigate the subject workers' eligibility to apply for TAA and ATAA. AR 181-182.

During the remand investigation, the Department carefully reviewed previously submitted information, solicited information from the plaintiff and workers (AR 201), and contacted the subject firm to obtain new and additional information regarding the articles produced during the relevant period, the work done by the subject workers, and the shift of production from the subject firm.

A careful review of previously-submitted information and newly-obtained information revealed that the Department's finding in the determination on reconsideration that the workers are not separately identifiable by product line was in error (AR 141), and the initial negative determination (of TA-W-56,536) finding on this issue (AR 74) was correct. The information shows that the workers were dedicated to particular production lines, that workers' movements between production lines were infrequent, and that such movement were determined by union guidelines and usually based on seniority. AR 41-49, 196-199. Because the workers' assignments to product lines in the Buildings Division were constant and changes among workers on the production lines were not the norm but the exception, the Department determines that the workers were separately identifiable by product line. However, regardless of whether or not the workers were separately identifiable by product line, the evidence obtained from all parties during the investigations do not support the workers' claim that there was a shift of production of prefabricated buildings or