

Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial was issued on October 4, 2004. The Notice of determination was published in the **Federal Register** on October 26, 2004 (69 FR 62460). The petition was denied because production ceased at the subject facility more than a year prior to the petition date (August 31, 2004).

The Department carefully reviewed the petitioner's request and has determined that further investigation will be conducted based on new information provided by the company.

#### 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 28th day of October 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-52,427]

##### **Dan River, Inc., Danville, VA; Notice of Determination of Alternative Trade Adjustment Assistance**

The Department adopted a new interpretation regarding the Alternative Trade Adjustment Assistance (ATAA) program in order to provide equitable access to ATAA for worker groups whose petitions were still in process at the time of implementation of the ATAA program on August 6, 2003. Under this new interpretation, worker groups covered by the certification of a petition that was in process on August 6, 2003 may request ATAA consideration for the certified worker group. The request must be made to the Department and may be made by anyone who was entitled to file the original petition under section 221(a)(1) of the Act.

By letter dated October 15, 2004, a company official of Dan River, Inc. requested ATAA consideration for the workers at its facility in Danville, Virginia. The original petition date was July 14, 2003, and the certification for Trade Adjustment Assistance (TAA)

was signed on August 20, 2003. The Notice of the Department's determination was published in the **Federal Register** on September 17, 2003 (68 FR 54497-01).

The initial investigation did not address ATAA eligibility for the workers of the subject company.

In the request for consideration, a company official provided information that supports ATAA certification.

The investigation revealed that the subject worker group possesses skills that are not easily transferable in the local area, and that at least five percent of the workforce at the subject firm is at least fifty years of age.

Industry data show that competitive conditions within the textile industry are adverse.

#### Conclusion

After careful review of the facts obtained on investigation, I conclude that the requirements of Section 246(a)(3)(A) of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of at Dan River, Inc., Danville, Virginia, who became totally or partially separated from employment on or after July 14, 2002 through August 20, 2005, are eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 29th day of October 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-55,395B]

##### **Dana Undies, Colquitt, GA; 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 Dana Undies, Colquitt, Georgia. 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-55,395B; Dana Undies, Colquitt, Georgia (October 28, 2004).

Signed at Washington, DC, this 4th day of November 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-55,382]

##### **Eclipsys Corporation Santa Rosa, CA; Notice of Negative Determination on Reconsideration**

On October 20, 2004, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on October 29, 2004 (69 FR 63182).

The petition for the workers of Eclipsys Corporation, Santa Rosa, California engaged in technical writing for software development 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 a service and further conveys that software and software documentation should be considered a product and workers compiling PDF files should be considered workers engaged in production.

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that petitioning group of workers at the subject firm develops, and writes, technical documentation, which includes online files and manuals, such as user guides, configuration, database dictionaries, system administration, and installation books. The official further clarified that the documentations created by the subject company are electronically sent to Eclipsys Corporation facility in San Jose, California, where they are merged with the software codes and compiled on CD-ROMs for mass production and distribution to clients.

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.