• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Subpart A (General Provisions) and Subpart B (Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment) (29 CFR part 1915).

OMB Control Number: 1218–0011.

Agency Form Number: None.

Affected Public: Private Sector—Business or other for-profits and Not-for-profit institutions.

Estimated Number of Respondents: 639.

Estimated Total Annual Burden Hours: 312,774.

Estimated Total Annual Costs Burden: $0.

Description: The information collection requirements contained in 29 CFR part 1915, Subparts A and B serve to ensure that shipyard personnel do not enter confined spaces that contain oxygen deficient, toxic or flammable atmospheres, For additional information, see related notice published at 73 FR 8713 on February 14, 2008.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Powered Industrial Trucks (29 CFR 1910.178).

OMB Control Number: 1218–0242.

Agency Form Number: None.

Affected Public: Private Sector—Business or other for-profits.

Estimated Number of Respondents: 1,134,699.

Estimated Total Annual Burden Hours: 854,538.

Estimated Total Annual Costs Burden: $238,245.

Description: 29 CFR 1910.178 contains several information collection requirements addressing truck design, construction, and modification, as well as certification of training and evaluation for truck operators. For additional information, see related notice published at 73 FR 12468 on March 7, 2008.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E8–12342 Filed 6–3–08; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,052]

Freescale Semiconductor, Inc., New Product Introduction (NPI), Tempe, AZ; Notice of Negative Determination on Reconsideration

On January 3, 2008, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Freescale Semiconductor, Inc., New Product Introduction (NPI), Tempe, Arizona (the subject firm). The Department's Notice was published in the **Federal Register** on January 10, 2008 (73 FR 1896).

The negative determination was based on the Department's findings that the workers at the subject firm are engaged in activities related to the production of Gallium Arsenide (GaAs) semiconductors for the purposes of the design and development of new automotive and cellular technologies; the subject firm did not shift to a foreign country activities related to the design or the manufacturing of GaAs semiconductors; the subject firm did not import articles either like or directly competitive with GaAs semiconductors produced by the subject firm; the workers are not eligible to apply for TAA as secondary workers; and the workers' separation was due to a shift to another domestic facility.

The request for reconsideration alleged that a shift of activities to foreign countries caused the workers' separations. The request stated that GaAs-related activity ''does not apply to the NPI department at all'' and that ''Freescale Compound Semiconductor (CS1) does produce Gallium Arsenide (GaAS) wafers, but that is not an intrinsic part of the NPI function.'' The implication is that there are two separate groups of workers at the subject firm—one that produces GaAs wafers and one that is engaged in activity not related to GaAs wafers. The request also states that ''Freescale's major customer * * * did receive product from NPI'' and that the customer is a TAA-certified company. The request implies that NPI workers are eligible to apply for TAA on a secondary basis.

Information submitted by the subject firm during the initial and reconsideration information revealed that the subject firm had two separate operations: (1) CS1 Factory workers produced GaAs wafers and (2) NPI workers tested and corrected programs and package assembly processes in preparation of mass semiconductor chip assembly that would take place in foreign facilities.

Based on the above information, the Department determines that the subject group includes NPI workers engaged in pre-production testing of semiconductor chips and does not include workers of CS1 Factory producing GaAs-based wafers.

19 U.S.C. section 2272 establishes that a certification of eligibility to apply for TAA, applicable to the subject worker group, shall be issued if:

(1) 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;

(2) Sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) Increases (absolute or relative) of imports of articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production, or

(4) 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 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, is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act or 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.

Because the subject workers were engaged in pre-production research and development programs and assembly processes that would take place at foreign production facilities, the Department determines that the subject workers did not produce an article within the meaning of Section 222 of the Trade Act of 1974. It follows, that, since the workers did not produce an article, they could not have been adversely affected by a shift of production or increased imports of like or directly competitive articles.

Further, the reconsideration investigation revealed that the

predominant reason for the workers' separations is the shift of pre-production activities to Asia and Malaysia. The Department has consistently held that a shift of non-production activities cannot be a basis for certification.

In order to receive a secondary certification, a significant number or proportion of workers in the subject firm have been, or are threatened to become, totally or partially separated and that the subject firm is a supplier or downstream producer (finisher or assembler) to a firm that employed a group of workers who received a TAA certification, and such supply or production is related to the article that was the basis for such certification.

In addition, if the subject firm is a supplier to a TAA-certified company, either the component parts supplied to that company must account for at least 20 percent of the subject firm's sales or production, or a loss of business by the subject firm with the TAA-certified firm contributed importantly to the petitioning workers' separations or threat of separation; and, if the subject firm is a downstream producer, the TAA certification of the primary firm must be based on a shift of production to Canada or Mexico or import impact from Canada or Mexico and a loss of business by the subject firm with the TAA-certified firm contributed importantly to the petitioning workers' separations or threat of separation.

Even if NPI workers developed test codes for a semiconductor chip that was produced and sold to a TAA-certified customer, the pre-production research and development work does not constitute production, and the workers did not produce an article within the meaning of Section 222 of the Trade Act of 1974. As such, the subject workers are not eligible under secondary impact.

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 29th day of May 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12390 Filed 6–3–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,964]

G–III Apparel Group, Starlo Dresses Division, Computer Patterns Team, New York, NY; Notice of Negative Determination Regarding Application for Reconsideration

By application dated April 22, 2008, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 24, 2008 and published in the **Federal Register** on April 11, 2008 (73 FR 19900).

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 initial investigation resulted in a negative determination signed on March 24, 2008 was based on the finding that imports of electronically marked and graded patterns did not contribute importantly to worker separations at the subject plant and there was no shift of production to a country that is a party to a free trade agreement with the United States or a beneficiary country. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's declining domestic customers. In this instance, the subject firm did not sell electronically marked and graded patterns to outside domestic customers, thus a survey was not conducted. The subject firm did not import electronically marked and graded patterns into the United States during the relevant period.

In the request for reconsideration the petitioner refers to the events which have occurred at the subject facility since 1998.

When assessing eligibility for TAA, the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). Events occurring prior to February 19, 2007 are outside of the relevant time period and thus cannot be considered in this investigation.

The petitioner also alleges that the statement in the initial investigation ''* * * the patterns were used exclusively in China* * *'' is erroneous and that some patterns were manufactured for a domestic market. To support this allegation, the petitioner provided the name of a domestic retail company, which allegedly purchased products from the subject firm in the relevant time period.

The Department contacted a company official to address these allegations. The company official stated that G–III Apparel Group, Starlo Dresses Division, Computer Patterns Team, New York, New York does not sell any electronically marked and graded patterns to the retailers or any other companies. All patterns are the property of the subject firm and are used in the in-house factories to create dresses. The company official also clarified that the customer mentioned by the petitioner is a retailer who buys dresses from the subject firm and not electronically marked and graded patterns.

The petitioner stated that jobs were shifted from the subject facility to China.

The investigation confirmed that production of electronically marked and graded patterns indeed was shifted to China. However, the investigation also revealed that the subject firm did not import electronically marked and graded patterns from China back into the United States during the relevant period.

The petitioner further stated that workers of the subject firm were previously employed at other companies, which were certified for TAA.

The two companies indicated by the petitioner were certified eligible for TAA in August 2001 and April 2007 since the companies increased imports of samples of dresses, and wedding and bridesmaid gowns. The certifications of these companies are not relevant to this investigation.

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.