

of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 7th day of October 2010.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-72,949]

#### **Western Digital Technologies, Inc., Corporate Headquarters/Hard Drive Development Division, Lake Forest, CA; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application dated September 14, 2010, workers requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject firm. The Department's Notice of negative determination was issued on August 5, 2010 and published in the **Federal Register** on August 23, 2010 (75 FR 51849). The workers are engaged in activity related to the supply of engineering services.

The negative determination was based on the findings that the subject firm did not increase imports services supplied by the worker's firm and that there has not been a shift to a foreign country in the supply of services by the subject firm. The investigation also revealed that the subject firm does not supply a service that was directly used in the production of an article by a firm that employed a worker group eligible to apply for TAA.

The request for reconsideration alleges that increased imports of articles (disk drives) that were produced directly using the services supplied by the subject workers (engineering) contributed importantly to separations at the subject firm.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974, as amended.

#### **Conclusion**

After careful review of the application, I conclude that the claim is

of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 7th day of October 2010.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2006-0042]

#### **Canadian Standards Association; Expansion of Recognition**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the Occupational Safety and Health Administration's final decision expanding the recognition of the Canadian Standards Association as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**DATES:** The expansion of recognition becomes effective on October 25, 2010.

**FOR FURTHER INFORMATION CONTACT:** MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210, or phone (202) 693-2110.

#### **SUPPLEMENTARY INFORMATION:**

##### **Notice of Final Decision**

The Occupational Safety and Health Administration (OSHA) hereby gives notice that it is expanding recognition of the Canadian Standards Association (CSA) as a Nationally Recognized Testing Laboratory (NRTL). CSA's expansion covers the use of additional test standards. OSHA's current scope of recognition for CSA may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/csa.html>.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of

government authority. As a result of recognition, employers may use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>. Each NRTL's scope of recognition has three elements: (1) The type of products the NRTL may test, with each type specified by its applicable test standard; (2) the recognized site(s) that has/have the technical capability to perform the testing and certification activities for test standards within the NRTL's scope; and (3) the supplemental program(s) that the NRTL may use, each of which allows the NRTL to rely on other parties to perform activities necessary for product testing and certification.

CSA submitted an application, dated June 25, 2008, to expand its recognition to include five additional test standards. The NRTL Program staff determined that four of these standards (listed below) are "appropriate test standards" within the meaning of 29 CFR 1910.7(c). In connection with this request, NRTL Program staff did not perform any onsite review of CSA's recognized sites. The staff only performed a comparability analysis,<sup>1</sup> and recommended expansion of CSA's recognition to include the additional four test standards listed below. The Agency subsequently accepted this recommendation, and published a preliminary notice announcing the expansion application in the **Federal Register** on April 26, 2010 (75 FR 21666). Comments were requested by May 11, 2010, but OSHA received no comments in response to this notice. OSHA is now proceeding

<sup>1</sup> This analysis involves determining whether the testing and evaluation requirements of test standards already in an NRTL's scope are comparable to the requirements in the standards requested by the NRTL.

with this final notice to grant CSA's expansion application.

All public documents pertaining to the CSA application are available for review by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210. These materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2006-0042.

#### Final Decision and Order

NRTL Program staff examined CSA's application, the comparability analysis, and other pertinent information. Based on this examination and the analysis, OSHA finds that CSA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions specified below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of CSA, subject to this limitation and these conditions.

#### Limitation

OSHA limits the expansion of CSA's recognition to testing and certification of products for demonstration of conformance to the following test standards, each of which OSHA determines is an appropriate test standard, within the meaning of 29 CFR 1910.7(c):

UL 498A Current Taps and Adapters  
 UL 515 Electrical Resistance Heat Tracing for Commercial and Industrial Applications  
 UL 1673 Electric Space Heating Cables  
 UL 1977 Component Connectors for Use in Data, Signal, Control and Power Applications

The designations and titles of these test standards were current at the time of the preparation of this notice.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third-party testing and certification before use in the workplace. Consequently, if a test standard also covers any product for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product.

The American National Standards Institute (ANSI) may approve the test standards listed above as an American National Standard. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA

Instruction CPL 1-0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

#### Conditions

CSA also must abide by the following conditions of the recognition, in addition to those conditions already required by 29 CFR 1910.7:

1. CSA must allow access to its facilities and records to ascertain continuing compliance with the terms of its recognition, and to perform investigations as OSHA deems necessary;
2. If CSA has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the test standard-developing organization of this concern, and provide that organization with appropriate relevant information upon which its concern is based;
3. CSA must not engage in, or permit others to engage in, any misrepresentation of the scope or conditions of its recognition. As part of this condition, CSA agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition applies and that its recognition is limited to certain products;
4. CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details of these changes;
5. CSA will meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition; and
6. CSA will continue to meet the requirements for recognition in all areas to which this recognition applies.

#### Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to Sections 6(b) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655 and 657), Secretary of Labor's Order No. 4-2010 (75 FR 55355), and 29 CFR part 1911.

Signed at Washington, DC, on October 20, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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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 by (TA-W) number issued during the period of October 4, 2010 through October 8, 2010.

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

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such