APPENDIX—Continued

[TAA petitions instituted between 3/17/08 and 3/21/08]

TA–W	Subject firm (petitioners)	Location	Date of nstitution	Date of etition
63033	Lear Corporation (UAW)	Roscommon, MI	03/20/08	03/13/08
63034	Phoenix Sewing (Comp)	Fort Wayne, IN	03/20/08	03/18/08
63035	Summit Productions (Comp)	Fort Wayne, IN	03/20/08	03/18/08
63036	Mercury Manufacturing (Comp)	Fort Wayne, IN	03/20/08	03/18/08
63037	American Mirror Company (Comp)	Galax, VA	03/20/08	03/14/08
63038	Union Special (Wkrs)	Huntley, IL	03/20/08	03/19/08
63039	Yannis Design, Inc./Dental Associates (Wkrs)	Appleton, WI	03/20/08	03/19/08
63040	Thos Moser Cabinetmakers (Comp)	Auburn, ME	03/20/08	03/17/08
63041	Saint-Gobain Performance Plastics (Comp)	Elk Grove Village, IL	03/20/08	03/19/08
63042	Lemco Mills, Inc. (State)	Burlington, NC	03/20/08	03/18/08
63043	Grammer Industries, Inc. (Comp)	Piedmont, SC	03/21/08	03/20/08
63044	Springs Global—Piedmont (Comp)	Piedmont, AL	03/21/08	03/20/08
63045	Mount Vernon Mills Arkwright Division (Comp)	Spartanburg, SC	03/21/08	03/19/08
63046	Alcoa Wheel Products (Wkrs)	Beloit, WI	03/21/08	03/19/08
63047	Boise Wood Products (Wkrs)	White City, OR	03/21/08	03/10/08
63048	Cooperfield (Wkrs)	Avilla, IN	03/21/08	03/11/08
63049	Cardinal Health (Rep)	El Paso, TX	03/21/08	03/20/08
63050	Ruma Production, Inc. (Wkrs)	New York, NY	03/21/08	03/18/08
63051	Surratt Hosiery Mills, Inc. (Comp)	Denton, NC	03/21/08	03/20/08
63052	Chrysler, LLC (UAW)	Fenton, MO	03/21/08	03/18/08

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,614]

Weyerhaeuser Green Mountain Lumber Mill, Toutle, WA; Notice of Negative Determination on Reconsideration

On February 29, 2008, the Department of Labor (Department) issued an Affirmative Determination Regarding Application for Reconsideration regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of Weyerhaeuser Green Mountain Lumber Mill, Toutle, Washington (the subject firm). The Department's Notice of Affirmative Determination regarding the request for reconsideration was published in the **Federal Register** on March 7, 2007 (73 FR 12463). Workers produce rough sawn softwood dimensional lumber.

The initial negative determination was based on the Department's findings that sales and production at the subject firm remained stable during the relevant period compared to previous year; the subject firm did not shift production to a foreign country; and the subject firm did not import articles like or directly competitive with the lumber produced by the subject workers. The determination also stated that the predominant cause of worker separations is related to the transfer of production to another, domestic, affiliated facility.

In the request for reconsideration, dated February 28, 2008, the IAM Woodworkers Local W536 (the Union) alleged that increased imports by Weyerhaeuser Corporation of articles like or directly competitive with softwood dimensional lumber produced at the subject firm contributed importantly to the workers' separations (''Weyerhaeuser Corporation is the largest producer of softwood dimensional lumber in the United States with significant production facilities in Canada and worldwide'').

To be certified for TAA on the basis of increased imports, the petitioning worker group must meet the criteria set forth under Section 223(a)(2)(A) of the Trade Act of 1974:

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; *and*

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

C. Increases of 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.

After careful review of previously-submitted information, the Department determines that Section 223(a)(2)(A)(A) and Section 223(a)(2)(A)(B) were met. Accordingly, the Department's reconsideration investigation focused on whether the petitioning worker group satisfied Section 223(a)(2)(A)(C).

Under 29 CFR 90.16 (Determinations and certifications of eligibility to apply for adjustment assistance), certification for TAA may be issued if a significant number or proportion of the workers in the subject firm (or an appropriate subdivision of the firm) have become or are threatened to become totally or partially separated; sales and/or production of the subject firm (or an appropriate subdivision of the firm) have decreased absolutely; and increases (absolute or relative) of imports of articles like or directly competitive with articles produced by the subject firm (or an appropriate subdivision of the firm) contributed importantly to the workers' separation, or threat of separation, and to such decline in sales or production. The regulation also states that ''contributed importantly means a cause which is importantly but not necessarily more important than any other cause.''

During the reconsideration investigation, the Department determined that there were no increased imports of softwood dimensional lumber during 2007 from 2006 by either the subject firm or Weyerhaeuser. Rather, imports of softwood dimensional lumber by Weyerhaeuser decreased in 2007 from 2006 levels.

On reconsideration, the Department confirmed that the predominant cause of the workers' separations was the shift of production to another, newly-built, domestic facility. New information

obtained by the Department during the reconsideration revealed that the move was due to the decreased amount of timber around the Toutle area and the plentiful amount of timber around the new location.

Accordingly, the Department determines that the petitioning worker group has not satisfied Section 223(a)(2)(A)(C) and are not eligible to apply for worker adjustment assistance under the Trade Act.

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

Conclusion

After careful reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Weyerhaeuser Green Mountain Lumber Mill, Toutle, Washington.

Signed at Washington, DC this 28th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–8980 Filed 4–23–08; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,698]

Bodycote Materials Testing, Inc., Engineering and Technology Division, Hillsdale, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 6, 2008, a petitioner 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 February 8, 2008 and published in the **Federal Register** on February 22, 2008 (73 FR 9836).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative TAA determination issued by the Department for workers of Bodycote Materials Testing, Inc., Engineering and Technology Division, Hillsdale, Michigan was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974.

The petitioner states that services provided by workers at the subject firm ''are integral to the production of an automobile''. The petitioner further states that the workers of the subject firm ''produce data (written certification) that is used to determine if the product does meet the requirements.''

The petitioner alleges that because all manufacturers of automotive products are required to test their products independently using the services provided by such companies as Bodycote Materials Testing, Inc., workers of the subject firm who provide the testing services should be certified eligible for TAA.

The investigation revealed that the workers of Bodycote Materials Testing, Inc., Engineering and Technology Division, Hillsdale, Michigan are engaged in testing services to the automotive, appliance, and general industrial markets. These functions, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act.

Any incidental documents, such as written certifications, generated as a result of testing of the equipment are incidental to the services provided by the subject firm. The fact that a written record is generated in the process does not make the service firm a production firm and these documents do not constitute production of an article for purposes of the Trade Act.

The petitioner also states that Bodycote intends to move jobs to Mexico and Canada.

The allegation of a shift to another country might be relevant if it was determined that workers of the subject firm produced an article. However, the investigation determined that workers of Bodycote Materials Testing, Inc., Engineering and Technology Division, Hillsdale, Michigan do not produce an article within the meaning of Section 222 of the Trade Act of 1974.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

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 in Washington, DC, this 26th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–8983 Filed 4–23–08; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,341]

Nortel Networks Corporation Global Order Fulfillment, Research Triangle Park, NC; Notice of Negative Determination Regarding Application for Reconsideration

By application postmarked February 4, 2008, three 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 January 16, 2008 and published in the **Federal Register** on February 1, 2008 (73 FR 6213).

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 mis-interpretation of facts or