articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. 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; or

2. The country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. 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.

The Union appears to assert that because the Department identified in the negative determination two criteria that were not met, the Department requires that, in order for a worker group to be certified for TAA, both of the aforementioned sections must be met.

In determining whether a worker group has met the criteria set forth in the Trade Act of 1974, as amended, the Department investigates whether the worker group has met the criteria of either Section (a)(2)(A) or Section (a)(2)(B), not both. If the criteria of either Section are met, the Department will certify the worker group as eligible to apply for TAA.

The Union asserts that it is unfair that the Department considers only ''United Stated aggregate imports'' because to do so would discount the disproportionate impact that imports have on a specific region, such as the Eastern Seaboard.

Section (a)(2)(A)(C) requires that there be a finding of increased imports. 29 CFR section 90.2 states that ''increased imports means that imports have increased either absolutely or relatively to domestic production compared to a representative bade period.'' As asserted by the Union, imports did not increase in 2007 compared to 2006. Absent a finding of increased imports, the Department cannot determine whether or not increased imports contributed importantly to subject firm sales and/or production declines and worker separations.

Section (a)(2)(B)(B) requires that there ''has been'' a shift of production. That the requirement is in the past tense means that the shift is an event in the past and not in the future. Therefore, the subject firm's ''possible shift or planned shift'' (if any) would not have been a basis for TAA certification.

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 28th day of July 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–17884 Filed 8–4–08; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,287]

Paulstra CRC Sales Office, Novi, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application postmarked July 1, 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 May 19, 2008 and published in the **Federal Register** on June 3, 2008 (73 FR 31716).

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 Paulstra CRC, Sales Office, Novi, 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 stated that the workers of the subject firm were Customer Service Representatives and that their job duties directly supported production at Paulstra CRC. The petitioner further stated that the duties of a Customer Service Representative were to input orders, schedule delivery, customer negotiations, price negotiations, etc. and that ''without these functions there would not have been any production.'' The petitioner alleged that because other facilities of Paulstra CRC had been certified eligible for TAA, workers of the Sales Office who are engaged in sales and customer support services should be certified eligible for TAA.

A review of the initial investigation confirmed that the workers of the subject facility support production at Paulstra CRC, Grand Rapids, Michigan, (TA–W–61,908) during the relevant period. The above mentioned production facility was certified eligible for adjustment assistance on September 24, 2007.

However, the investigation also revealed that only one worker was separated from the Sales Office since April 2007 and there was no threat of future separations.

The subject company did not separate or threaten to separate a significant number or proportion of workers, as required by Section 222 of the Trade Act of 1974. Significant number or proportion of the workers in a firm or appropriate subdivision means at least three workers in a workforce of fewer than 50 workers, five percent of the workers in a workforce of over 50 workers, or at least 50 workers. Therefore, the subject facility did not meet the threshold of employment declines and there was no threat of separations during the relevant period.

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 28th day of July 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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