

The intent of the Department's certification is to include all workers employed at Georgia-Pacific West, Inc., Consumer Products Division, Bellingham, Washington who were adversely-impacted by increased company imports.

The amended notice applicable to TA-W-62,342 is hereby issued as follows:

All workers of Georgia-Pacific West, Inc., Consumer Products Division, including on-site leased workers from Securitas, Bellingham, Washington, who became totally or partially separated from employment on or after October 19, 2006, through January 7, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 26th day of February 2008

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,614]

#### **Weyerhaeuser Green Mountain Lumber Mill, Toutle, WA; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application dated February 11, 2008, the IAM Woodworkers Local W536 (the Union) requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of the subject firm. The determination was issued on January 28, 2008. The Notice of determination was published in the **Federal Register** on February 13, 2008 (73 FR 8370). Workers produce rough sawn softwood dimensional lumber.

The negative determination was based on the Department's findings that sales and production at the subject firm remained relatively stable during the relevant period compared to the comparable period the previous year; the subject firm did not shift production of rough sawn softwood dimensional lumber 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 the transfer of production to another, domestic, affiliated facility.

In the request for reconsideration, the Union alleged that Weyerhaeuser Corporation, the parent company, operates softwood dimensional lumber facilities in Canada and that increased imports by Weyerhaeuser Corporation contributed importantly to the subject workers' separations.

The Department has carefully reviewed the Union's request for reconsideration and has determined that the Department will conduct further investigation.

#### **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 29th day of February 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,444]

#### **Poirier's, Inc. Fall River, MA; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated January 15, 2008, a company official 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 December 12, 2007 and published in the **Federal Register** on December 31, 2007 (72 FR 74344).

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 negative TAA determination issued by the Department for workers of Poirier's, Inc., Fall River, Massachusetts 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 "contribute to the final production process". The petitioner attached the description of various inspections that the car dealer needs to provide to the vehicles before selling them to customers. The petitioner alleges that because the services provided by workers at the subject firm are required by "state and federal laws", workers of the subject firm who retail automobiles should be certified eligible for TAA.

The investigation revealed that the workers of Poirier's, Inc., Fall River, Massachusetts are engaged in retail of new and used cars, auto parts, supplies and service of automobiles. These functions, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act.

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 February 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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