

Signed at Washington, DC, this 6th day of June, 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-13402 Filed 6-13-08; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,832]

#### **GAF Materials Corporation, Quakertown, PA; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated May 5, 2008, International Association of Machinists and Aerospace Workers, District 1 requested administrative reconsideration of the Department's negative determination regarding 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 denial notice was signed on March 26, 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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted in a negative determination was based on the finding that imports of residential roofing materials did not contribute importantly to worker separations at the subject facility and there was no shift of production to a foreign country. The subject firm did not import residential roofing materials during the relevant period. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining domestic customers. A survey conducted by the Department of Labor revealed that major customers did not purchase imported residential roofing materials during 2006, 2007 and during the January through February 2008 period.

The petitioner indicates that "The workers produced asphaltic roofing materials and that the sales and employment at the firm declined during the relevant period."

Since the worker group was denied on the fact that imports did not contribute importantly to the layoffs at the subject firm and no shift of production to a foreign source occurred, the information provided by the petitioner in the request for reconsideration does not help to satisfy the criteria necessary for certification for TAA.

The request for reconsideration also appears to address workers eligibility for ATAA. The petitioner states that "a significant number of employees at this location are 50 or older and do not possess skills that are easily transferable."

In order for the Department to issue a certification of eligibility to apply for ATAA, the worker group must be certified eligible to apply for trade adjustment assistance (TAA). Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

The Union 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 4th day of June, 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-63,254]

#### **Teva Neuroscience, Inc., Global Clinical Professional Resources Group, Horsham, PA; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated May 26, 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 9, 2008 and published in the **Federal Register** on May 22, 2008 (73 FR 29783).

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 Teva Neuroscience, Inc., Global Clinical Professional Resources Group, Horsham, Pennsylvania, 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 Global Clinical Professional Resource Group (GCPRG) "belonged to the Innovative Research and Development division, which had no involvement in the manufacturing process." The petitioner also stated that GCPRG was strictly dealing with the clinical trials and with the clinical data collected from the American population. The petitioner further infers that employment at the subject firm was negatively impacted by the outsourcing of some functions from the subject facility to India.

The initial investigation revealed that the workers of Teva Neuroscience, Inc., Global Clinical Professional Resources Group, Horsham, Pennsylvania, are engaged in operations in support of the conduct of clinical trials of pharmaceutical products manufactured abroad, including database management, clinical quality control, and administration. These functions, as