

TAA PETITIONS INSTITUTED BETWEEN 7/19/10 AND 7/23/10—Continued

TA-W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
74410	DataDirect Technologies (Company)	Norfolk, VA	07/20/10	07/12/10
74411	Avaya (Wkrs)	Basking Ridge, NJ	07/20/10	07/08/10
74412	Convergys (Wkrs)	Albuquerque, NM	07/20/10	06/29/10
74413	McGuire Furniture Company (Wkrs)	San Francisco, CA	07/20/10	07/08/10
74414	PricewaterhouseCoopers (Workers)	Cleveland, OH	07/20/10	07/13/10
74415	New Page Corporation (Company)	Kimberly, WI	07/20/10	07/19/10
74416	Ainak (Company)	Winchester, KY	07/20/10	07/12/10
74417	Good Harbor Fillet (State/One-Stop)	Gloucester, MA	07/21/10	07/19/10
74418	Husqvarna Outdoor Products (Workers)	Texarkana, TX	07/21/10	06/30/10
74419	Huntington Foam LLC (Workers)	Brockway, PA	07/21/10	07/14/10
74420	Russell Investments (Workers)	Tacoma, WA	07/21/10	07/21/10
74421	Fairfield Chair Company (Company)	Lenoir, NC	07/22/10	07/19/10
74422	World Color (USA), LLC (Company)	Dyersburg, TN	07/22/10	07/16/10
74423	Kennametal/Extrude Hone (Workers)	Irwin, PA	07/22/10	07/15/10
74424	Unisource Worldwide, Inc. (Company)	Wisconsin Rapids, WI	07/23/10	07/21/10
74425	Douglas Corporation (State/One-Stop)	Eden Prairie, MN	07/23/10	07/22/10
74426	International Business Machines (State/One-Stop)	Rochester, MN	07/23/10	07/22/10
74427	Mattel, Inc. (Workers)	El Segundo, CA	07/23/10	07/20/10
74428	MH Technologies, LLC (Company)	Mount Holly Springs, PA	07/23/10	05/19/10
74429	Tyden Brooks Security Products Group (Workers)	Livingston, NJ	07/23/10	07/01/10

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-72,908]

**Carolina Telephone and Telegraph
Company LLC, a Wholly Owned
Subsidiary of Embarq Corporation, a
Subsidiary of Centurylink, Inc., New
Bern Call Center, New Bern, NC; Notice
of Negative Determination Regarding
Application for Reconsideration**

By application dated July 14, 2010, 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 determination was issued on June 16, 2010. The Department's Notice of determination was published in the **Federal Register** on July 1, 2010 (75 FR 38142). The petition alleges that a merger of the subject firm with another firm led to duplication of services (call center support services for landline telephone, Internet, and related data communications) and, thus, the closure of the subject facility.

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 determination was based on the findings that the subject firm did not shift to/acquire from a foreign country services like or directly competitive with the call center support activities provided by the subject workers, nor did the workers supply a service that was used in the production of an article or the supply of a service by a firm whose workers are currently eligible to apply for TAA on the basis of that article or service.

In the request for reconsideration, the petitioner paraphrased the findings as presented in the negative determination and agreed that "[T]here was no shift in work to a foreign country nor was Embarq [parent company of the subject firm] acquired by a foreign country."

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 4th day of August, 2010.

Del Min Amy Chen,*Certifying Officer, Division of Trade
Adjustment Assistance.*

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-73,840]

**Lochmoor Chrysler Jeep; Detroit, MI;
Notice of Negative Determination
Regarding Application for
Reconsideration**

By application dated July 6, 2010, the 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 determination was signed on June 17, 2010. The Notice of determination was published in the **Federal Register** on July 1, 2010 (75 FR 38142).

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 determination applicable to workers and former workers at Lochmoor Chrysler Jeep, Detroit, Michigan, was based on the findings that the subject firm did not, during the period under investigation, shift to a foreign country sales services like or directly competitive with the sales services supplied by the workers or acquire these services from a foreign country; that the workers' separation, or threat of separation, was not related to any increase in imports of like or directly competitive services; and that the workers did not supply a service that was directly used in the production of an article or the supply of service by a firm that employed a worker group that is eligible to apply for TAA based on the aforementioned article or service.

In the request for reconsideration, the petitioner states that the "trend of Americans buying foreign cars has caused the fortunes of Chrysler to enter bankruptcy * * * causing the car sales companies like Lochmoor to lose there dealerships * * * foreign car sales lots have opened up in its place."

During the initial investigation, the Department obtained information from the subject firm that revealed that the sales services supplied by the workers were not shifted abroad by the subject firm or acquired from a foreign source.

Production of automobiles is not directly competitive with the sales services provided by the workers. Further, the workers did not supply a service that was used by a firm with TAA-certified workers in the production of an article or supply of a service that was the basis for TAA-certification.

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 4th day of August, 2010.

Del Min Amy Chen,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010-20034 Filed 8-12-10; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification filed by the parties listed below to modify the application of existing mandatory safety standards published in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before September 13, 2010.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* Standards-Petitions@dol.gov.
2. *Facsimile:* 1-202-693-9441.
3. *Regular Mail:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, *Attention:* Patricia W. Silvey, Director, Office of Standards, Regulations and Variances.
4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, *Attention:* Patricia W. Silvey, Director, Office of Standards, Regulations and Variances.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT:

Barbara Barron, Office of Standards, Regulations and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or (2) that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2010-031-C.

Petitioner: D & C Mining Corporation, P.O. Box 148, Fries, Virginia 24330.

Mine: D & C Mining Corporation Mine, MSHA I.D. No. 15-18182, located in Harlan, County, Kentucky.

Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements) and 30 CFR 18.35(a)(5)(i)(ii) (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of the existing standard to permit an increase in the maximum length of trailing cables supplying power to permissible pumps at the mine. The petitioner states that: (1) This petition will apply only to trailing cables supplying three-phase, 480-volt power for permissible pumps; (2) the maximum length of the 480-volt power for permissible pumps will be 2100 feet; (3) the 480-volt power for permissible pump trailing cables will not be smaller than #6 American Wire Gauge (AWG); (4) all circuit breakers used to protect trailing cables exceeding the pump approval length or Table 9 of 30 CFR Part 18 will have an instantaneous trip unit calibrated to trip at 70 percent of phase-to-phase short-