(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted in a negative determination, based on the finding that imports of graphite and carbon parts did not contribute to worker separations at the subject facility and there was no shift in production from the subject firm to foreign country during the period under investigation. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's declining customers. The survey revealed no imports of graphite and carbon parts by declining customers during the relevant period. The subject firm did not import graphite and carbon parts nor shift production to a foreign country during the relevant period.

The petitioner states that workers of the subject firm indirectly supplied parts that were integral in petroleum production. The petitioner further states that demand for drilling equipment has diminished because of the new fuel efficiency standards and seems to allege that the workers of the subject firm should be eligible for TAA as secondary impacted workers under Section 222(c).

For the Department to issue a secondary worker certification under Section 222(c), to workers of a secondary upstream supplier, the subject firm must produce for a certified customer a component part of the article that was the basis for the customers' certification.

In this case, however, the subject firm does not act as an upstream supplier, because graphite and carbon parts do not form a component part of petroleum products. Thus the subject firm workers are not eligible under secondary impact as suppliers to companies producing petroleum fuel.

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 10th day of December, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–30252 Filed 12–18–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,078]

Eaton Aviation Corporation, Aviation and Aerospace Components Division, Aurora, CO; Notice of Negative Determination Regarding Application for Reconsideration

By application dated September 21, 2009, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice was signed on August 28, 2009 and will soon be published in the **Federal Register**.

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 TAA petition filed on behalf of workers at Eaton Aviation Corporation, Aviation and Aerospace Components Division, Aurora, Colorado was based on the finding that imports of services like or directly competitive with services provided by workers of the subject firm did not contribute to worker separations at the subject firm during the relevant period. The investigation revealed that workers of the subject firm were engaged in facilities maintenance related to the closing of the location, disposing of equipment and materials through sale or discard, and archiving paper manufacturing records. The subject firm did not import, nor acquire services from a foreign country and also did not shift the provision of these services to a foreign country.

In the request for reconsideration, the petitioner stated that workers of the subject firm were previously certified eligible for TAA based on a shift in production of aviation and aerospace parts and components to Mexico. The petitioner further stated that even though production of aviation and aerospace parts and components did not occur at the subject facility in the relevant period, workers of the subject firm were retained by the subject firm to close the plant ''through no fault or decision of their own.'' The petitioner appears to allege that because the subject firm asked the petitioning workers to remain employed at the subject facility beyond the expiration date of the previous certification, the workers of the subject firm should be granted another TAA certification.

The workers of Eaton Aviation Corporation, Aviation and Aerospace Components Division, Aurora, Colorado were previously certified eligible for TAA under petition numbers TA–W–60,965, which expired on May 1, 2009. The investigation revealed that at that time workers of the subject firm were engaged in production of aviation and aerospace parts and components and the employment declines at the subject facility were attributed to a shift in production of aviation and aerospace parts and components to Mexico. The current investigation revealed that production of aviation and aerospace parts and components at the subject firm ceased in June, 2007.

When assessing eligibility for TAA, the Department exclusively considers worker activities during the relevant period (from one year prior to the date of the petition). Therefore, events occurring in 2007 are outside of the relevant period and are not considered in this investigation.

The investigation revealed that workers of the subject firm were engaged in facilities maintenance, disposing of equipment and materials through sale or discard, and archiving paper manufacturing records during the relevant period. No production took place at the subject facility in 2008 and 2009. In order for workers of the subject firm to be eligible for TAA under Section 222(a), there has to be evidence of increased imports of services or a shift abroad in provision of services supplied by workers of the subject firm. The functions performed by workers of Eaton Aviation Corporation, Aviation and Aerospace Components Division, Aurora, Colorado, as described above, were not imported, or shifted abroad nor were the services acquired from a foreign country during the relevant period. Therefore, criteria II.A. and II.B.

of Section 222(a) of the Act were not met.

Furthermore, because there were no imports of services supplied by workers of the subject firm and the subject firm did not shift facilities maintenance, disposing of equipment and materials through sale or discard, and archiving paper manufacturing records abroad, criterion II.C is not met. Imports or shift/acquisition in services provided by workers of the subject firm did not contribute importantly to the workers' separation.

Furthermore, with the respect to Section 222(c) of the Act, the investigation revealed that criterion 2 was not met because 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 a 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 at Washington, DC, this 10th day of December, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–30251 Filed 12–18–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of petitions for modification of existing mandatory safety standards.

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 January 20, 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, *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, 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–2009–020–C.

Petitioner: Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241.

Mine: Blacksville No. 2 Mine, MSHA I.D. No. 46–01968, located in Monongalia County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance with respect to vertical Coal Bed Methane (CBM) degasification wells with horizontal laterals into the underground coal seam. The petitioner proposes to plug vertically drilled CBM degasification wells in order to mine through them. The petitioner states that: (1) Prior to the anticipated mine through, the borehole will be filled with cementatious grout, polyurethane grout, silica gel, flexible gel, or another material approved by the District Manager; (2) a packer with a one-way check valve, will be installed at a location in the borehole to ensure that an appropriate amount of the borehole is filled with the plugging material, and any water present in the borehole will be tested for chlorides prior to plugging; (3) a directional deviation survey completed during the drilling of the borehole will be used to determine the location of the borehole within the coal seam; (4) where suitable plugging procedures have not yet been developed or are impractical, water infusion and ventilation of vertical CBM wells with horizontal laterals may be used in lieu of plugging; (5) when mining through a CBM degasification well with horizontal laterals, the operator will notify the District Manager or designee prior to mining within 300 feet of the well, and when a specific plan is developed for mining through each well; (6) when using the continuous mining method, drivage sights will be installed at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sights will not be more than 250 feet from the well. When using the longwall mining method, drivage sights will be installed on 10-foot centers, 50 feet in advance of the initial anticipated intersection of the well, in both the headgate and tailgate entry; (7) firefighting equipment, including fire extinguishers, rock dust, and enough