

APPENDIX—Continued

[TAA petitions instituted between 11/13/07 and 11/16/07]

TA-W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
62456	Springfield Wire, Inc. (Comp)	Springfield, MA	11/14/07	11/09/07
62457	Only In USA (State)	Los Angeles, CA	11/14/07	11/06/07
62458	Hutchens Industries, Inc. (State)	Mansfield, MO	11/14/07	11/08/07
62459	Thermo Pressed Laminates (Comp)	Klamath Falls, OR	11/14/07	11/08/07
62460	Amweld Building Products (Comp)	Garrettsville, OH	11/14/07	11/02/07
62461	Universal Tire Mold (Wkrs)	Corinth, MS	11/14/07	11/13/07
62462	Enhance America of Missouri, Inc. (Wkrs)	Washington, MO	11/14/07	11/08/07
62463	Franklin Pump Systems, Inc. (State)	Little Rock, AR	11/14/07	11/13/07
62464	Engineered Plastic Components (Wkrs)	Rantoul, IL	11/14/07	11/02/07
62465	Hyper Knits Sales, Inc. (Comp)	New York, NY	11/14/07	11/13/07
62466	B and C Research, Inc. (State)	Barberton, OH	11/15/07	11/14/07
62467	US Aprons, Inc. (Wkrs)	Sidney, NE	11/15/07	11/14/07
62468	VWR International (Wkrs)	Bridgeport, NJ	11/15/07	11/14/07
62469	Springs Global, US, Inc. (Comp)	Lancaster, SC	11/15/07	11/13/07
62470	BMI Electronics, Inc. (State)	Hardaway, AL	11/16/07	11/15/07
62471	AGY (UNITE)	Huntingdon, PA	11/16/07	10/29/07
62472	Corsair Memory (Comp)	Fremont, CA	11/16/07	11/09/07
62473	Pfizer Global Manufacturing (State)	Croton, CT	11/16/07	11/15/07
62474	Siemens (State)	Huntsville, AL	11/16/07	11/14/07
62475	Nutra Max (Comp)	Houston, TX	11/16/07	11/14/07

[FR Doc. E7-23371 Filed 11-30-07; 8:45 am]  
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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

[TA-W-62,413]

**Simclar (North America), Inc.; Winterville, NC; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 6, 2007, in response to a worker petition filed by a company official on behalf of workers of Simclar (North America), Inc., Winterville, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 16th day of November 2007.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-23379 Filed 11-30-07; 8:45 am]

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

[TA-W-62,211]

**Strick Corporation Monroe, IN; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on September 27, 2007 in response to a petition filed by a company official on behalf of workers at Strick Corporation, Monroe, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 16th day of November 2007.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-23374 Filed 11-30-07; 8:45 am]

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

[TA-W-60,827]

**Sun Microsystems, Inc., Louisville, CO; Notice of Negative Determination on Reconsideration**

By application dated April 15, 2007, a worker requested administrative reconsideration. The request for reconsideration alleged that the subject

firm shifted production and support functions abroad. On May 27, 2007, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Sun Microsystems, Inc., Louisville, Colorado (the subject firm). The Department's Notice of Affirmative Determination was published in the **Federal Register** on June 7, 2007 (72 FR 31614).

The worker-filed petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) identified the appropriate subdivision employing the workers group as "Sun Microsystems, Louisville, Colorado," the articles produced at the subject firm as "high tech computer storage devices," and the subject worker group as workers engaged in "Production AME + R+D (Inspection)." The petitioners stated that their work has been "outsourced to Mexico and possible Hungary."

Because the petition is dated January 19, 2007, the relevant period is January 19, 2006 through January 18, 2007.

The initial negative determination (issued March 14, 2007) stated that the subject firm "did not shift work performed in Louisville, Colorado abroad, nor did it shift production from its manufacturing facility in Puerto Rico to a foreign country;" that the parent entity, Sun Microsystems (Sun), sold the Puerto Rico facility to another firm, "thus curtailing the need for support persons" at the subject firm; and that "separations of workers at the Louisville location are in great part attributable to

a worldwide company restructuring and reduction in workforce.”

A document attached to a petition (dated February 6, 2007, and filed on behalf of the same worker group) explained that, as a result of Sun's acquisition of StorageTek Classic (StorageTek), certain staff positions in the Storage Operations organization were eliminated. For example, StorageTek's products and their associated business processes, tools and systems would be merged with Sun's products and their associated business processes, tools and systems; the supply chain management and materials organizations for Sun and StorageTek would be consolidated into a single team; Sun's manufacturing and support activities in Puerto Rico would be outsourced in September 2006 to a contract manufacturer; and the staff that supported Sun's Puerto Rico facility would be eliminated since the contract manufacturer would be taking over those functions.

According to previously-submitted information, StorageTek was a company with production facilities in Puerto Rico and a pre-production facility in Louisville, Colorado. The information also revealed that after Sun acquired StorageTek in August 2005, Sun ceased to operate the manufacturing facility in Puerto Rico and that those workers at the Louisville, Colorado facility who supported the Puerto Rico facility were separated.

Because the subject workers inspected sheetmetal parts, cables, harnesses, tape rollers, motherboards, personal computer boards, and disk drives during the relevant period, and the workers are not separately identifiable by product line, the Department determines that the subject workers are engaged in the production of inspected component parts of computer storage devices.

In order for a TAA certification to be issued, the subject workers must meet the group eligibility requirements under Section 222 of the Trade Act of 1974, as amended. The applicable requirements can be satisfied in one of two ways:

#### **I. Section (a)(2)(A)—**

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated; *and*

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; *and*

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such

workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

#### **II. Section (a)(2)(B)—**

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated; *and*

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with 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.

Previously-submitted information revealed that the subject firm's employment level declined more than five percent from the corresponding period the previous year, the Department determines that a significant number or proportion of the workers at the subject firm has become totally or partially separated. Because the subject firm has ceased to inspect component parts of computer storage devices, the Department determines that, during the relevant period, the subject firm's production of inspected component parts of computer storage devices have decreased absolutely.

Because the employment decline and the production decline criteria were met, the Department focused the reconsideration investigation on whether either Section (a)(2)(A)(C) or Section (a)(2)(B)(B) *and* Section (a)(2)(B)(C) were met.

The first issue is whether, during the relevant period, the subject firm shifted production of inspected component parts of computer storage devices to a country that is a party to a free trade agreement with the United States or a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act.

Sun officials confirmed that after Sun acquired StorageTek in August 2005, it ceased to operate the facility in Puerto Rico. The official also stated that, pursuant to a September 2006 agreement between Sun and a domestic contract manufacturer, the contract manufacturer is performing production and inspection work at Sun's Puerto Rico facility. As such, the Department determines that the subject firm did not shift production to a foreign country; rather, the inspection work that was done by the subject workers is being done by the afore-mentioned contract manufacturer in Puerto Rico.

Even if the subject firm shifted inspection work to Puerto Rico, the subject workers would not be eligible to apply for TAA benefits because Puerto Rico is a U.S. Territory and is not a foreign country.

The second issue is whether, during the relevant period, increased imports of articles like or directly competitive with the inspected component parts produced at the subject firm contributed importantly to the subject workers' separations.

During the reconsideration investigation, Sun officials confirmed that Sun's Louisville, Colorado facility did not import articles like or directly competitive with the component parts produced at the subject firm. Because the inspected component parts produced at the subject firm were sent to Puerto Rico to be assembled, the Sun officials also confirmed that while it controlled the Puerto Rico facility during the relevant period, the Puerto Rico facility did not import any articles like or directly competitive with the component parts produced at the subject firm. Further, the contract manufacturer who took over production at the Puerto Rico facility provided information that revealed no imports of articles like or directly competitive with the component parts produced at the subject firm.

Because the reconsideration investigation has not produced any information that support a finding that the subject workers' separations are due to either a shift of production abroad or increased imports of articles like or directly competitive with the inspected component parts produced at the subject firm, the Department affirms the initial negative determination.

In order for the Department to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA), the subject worker group must be certified eligible to apply for Trade Adjustment Assistance (TAA). Since the subject workers are denied

eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

#### Conclusion

After careful reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Sun Microsystems, Inc., Louisville, Colorado.

Signed at Washington, DC, this 20th day of November 2007.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-23372 Filed 11-30-07; 8:45 am]

BILLING CODE 4510-FN-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Affirmative Decisions on Petitions for Modification

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

**ACTION:** Notice of Affirmative Decisions on Petitions for Modification Granted in Whole or in Part.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) enforces mine operator compliance with mandatory safety and health standards that protect miners and improve safety and health conditions in U.S. Mines. This **Federal Register** Notice (FR Notice) notifies the public that it has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

**ADDRESSES:** Copies of the final decisions are posted on MSHA's Web Site at <http://www.msha.gov/indexes/petition.htm>. The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209. All visitors must first stop at the receptionist desk on the 21st Floor to sign-in.

**FOR FURTHER INFORMATION CONTACT:** Edward Sexauer, Chief, Regulatory Development Division at 202-693-9444 (Voice), [sexauer.edward@dol.gov](mailto:sexauer.edward@dol.gov) (E-mail), or 202-693-9441 (Telefax), or Barbara Barron at 202-693-9447 (Voice), [barron.barbara@dol.gov](mailto:barron.barbara@dol.gov) (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine

operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) that the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

##### II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- *Docket Number:* M-2005-056-C;  
*FR Notice:* 70 FR 48984 (August 22, 2005).

*Petitioner:* Hawthorne Coal Company, Inc., 2708 Cranberry Square, Morgantown, West Virginia 26505.

*Mine:* Hawthorne Preparation Plant, MSHA I.D. No. 46-05544.

*Regulation Affected:* 30 CFR 77.214(a) (Refuse piles; general).

- *Docket Number:* M-2005-074-C;  
*FR Notice:* 70 FR 71861 (November 30, 2005).

*Petitioner:* Brooks Run Mining Company, LLC, 25 Little Birch Road, Sutton, West Virginia 25601.

*Mine:* Saylor Mine, MSHA I.D. No. 46-09126.

*Regulation Affected:* 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility).

- *Docket Number:* M-2005-079-C;  
*FR Notice:* 70 FR 76892 (December 28, 2005).

*Petitioner:* R S & W Coal Company, Inc., 207 Creek Road, Klingertown, Pennsylvania 17941.

*Mine:* R S & W Drift Mine, MSHA I.D. No. 36-01818.

*Regulation Affected:* 30 CFR 75-1312(a), (b), and (e)(1) (Explosives and detonators in underground magazines).

- *Docket Number:* M-2005-080-C;  
*FR Notice:* 70 FR 76892 (December 28, 2005).

*Petitioner:* Canyon Fuel Company, LLC, 397 South 800 West, Salina, Utah 84654.

*Mine:* West Elk Mine, MSHA I.D. No. 05-03672; SUFCO Mine, MSHA I.D. No.

42-00089; Skyline Mine No. 3, MSHA I.D. No. 42-01566; and Dugout Canyon Mine, MSHA I.D. No. 42-01890.

*Regulation Affected:* 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

- *Docket Number:* M-2005-085-C;  
*FR Notice:* 71 FR 3890 (January 24, 2006).

*Petitioner:* Anthracite Underground Rescue, Inc., 44 Crescent Street, Tremont, Pennsylvania 17981, for the following Anthracite Underground Coal Mines in District 1: R S & W Coal Company, R S & W Drift Mine, (MSHA I.D. No. 36-01818); Orchard Coal Company, Orchard Slope Mine, (MSHA I.D. No. 36-08346); S & M Coal Company, Buck Mountain Slope Mine, (MSHA I.D. No. 36-02022); R & R Coal Company, R & R Coal Company Mine, (MSHA I.D. No. 36-08498); R & D Coal Company, R & D Coal Co., Inc. Mine, (MSHA I.D. No. 36-02053); F.K.Z. Coal Company, No. 1 Slope Mine, (MSHA I.D. No. 36-08637); Snyder Coal Company, N & L Slope Mine, (MSHA I.D. No. 36-02203); Joliett Coal Company, #3 Vein Slope Mine, (MSHA I.D. No. 36-08702); Tito Coal Company, Whites Vein Slope Mine, (MSHA I.D. No. 36-06815); Alfred Brown Coal Company, 7 Ft. Slope Mine, (MSHA I.D. No. 36-08893); Chestnut Coal Company, No. 10 Slope Mine, (MSHA I.D. No. 36-07059); Six M Coal Company No. 1 Slope Mine, (MSHA I.D. No. 36-09138); B & B Coal Company, Rockridge No. 1 Slope Mine, (MSHA I.D. No. 36-07741); Snyder Coal Company, Rock Slope #1 Mine, (MSHA I.D. No. 36-09256); UAE Coalcorp Association, Harmony Mine, (MSHA I.D. No. 36-07838); Little Buck Coal Company, No. 2 Slope Mine, (MSHA I.D. No. 36-08299); Bear Gap Coal Company, Bear Gap #6 Slope Mine, (MSHA I.D. No. 36-09296); D & D Anthracite Coal Company, Primrose Slope Mine, (MSHA I.D. No. 36-08341).

*Regulation Affected:* 30 CFR 49.6(a)(1) & (5) (Equipment and maintenance requirements).

- *Docket Number:* M-2006-008-C;  
*FR Notice:* 71 FR 17145 (April 5, 2006).

*Petitioner:* Bridger Coal Company, P.O. Box 68, Point of Rocks, Wyoming 82942.

*Mine:* Bridger Underground Coal Mine, MSHA I.D. No. 48-01646.

*Regulation Affected:* 30 CFR 75.1909(b)(6) (Non-permissible diesel-powered equipment; design and performance; requirements).

- *Docket Number:* M-2006-013-C;  
*FR Notice:* 71 FR 28715 (May 17, 2006).