

workers and former workers of American Woodmark, Hardy County Plant, Moorefield, West Virginia.

Signed at Washington, DC, this 29th day of January, 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-2236 Filed 2-6-08; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,189]

#### **Diaz Intermediates Corporation, West Memphis, AR; Notice of Negative Determination Regarding Application for Reconsideration**

By letter dated December 28, 2007, a company official requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm. The denial notice was signed on November 28, 2007 and published in the **Federal Register** on December 11, 2007 (72 FR 70346).

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 initial investigation resulted in a negative determination which was based on the finding that imports of brominated chemical intermediates (i.e. bromobenzene, m-bromoanisole, n-propyl bromide, and other organics) did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining customers. The survey revealed customers did not purchase imported brominated chemical intermediates during the relevant period. The subject firm did not import brominated chemical intermediates and no shifted in production of brominated

chemical intermediates to a foreign country occurred.

The petitioner stated that most of the subject firm's sales were for export, however, there were losses in sales to domestic customers. The petitioner provided the name of a customer which ceased purchases from the subject firm in 2005 and at the same time started importing products like or directly competitive with brominated chemical intermediates produced by the subject firm.

When assessing eligibility for Trade Adjustment Assistance (TAA), the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). The Department surveyed customers of the subject firm regarding their purchases of brominated chemical intermediates during the relevant period. The survey revealed no imports of brominated chemical intermediates during the relevant period.

#### **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 30th day of January 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-2237 Filed 2-6-08; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,207]

#### **Diaz Intermediates Corporation, Brockport, NY; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated December 28, 2007, 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 November 28, 2007 and published in the **Federal Register** on December 11, 2007 (72 FR 70346).

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 investigation revealed that workers of the subject firm were in support of production of brominated chemical intermediates at Diaz Intermediates Corporation, West Memphis, Arkansas. The initial investigation resulted in a negative determination which was based on the finding that imports of brominated chemical intermediates (i.e., bromobenzene, m-bromoanisole, n-propyl bromide, and other organics) did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's declining customers. The survey revealed customers did not purchase imports of brominated chemical intermediates during the relevant period. The subject firm did not import brominated chemical intermediates and no shifted in production of brominated chemical intermediates to a foreign country occurred.

The petitioner stated that most of the subject firm's sales were for export, and that there were losses in sales to domestic customers. The petitioner provided the name of a customer which ceased purchases from the subject firm in 2005 and at the same time started importing products like or directly competitive with brominated chemical intermediates produced by the subject firm.

When assessing eligibility for TAA, the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). The Department surveyed customers of the subject firm regarding their purchases of brominated chemical intermediates during the relevant period. The survey revealed no imports of brominated chemical intermediates during the relevant period.

#### **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 30th day of January, 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-2238 Filed 2-6-08; 8:45 am]

BILLING CODE 4510-FN-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,668]

#### Conrad Forest Products, Conrad Forest Products, North Bend, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 11, 2008 in response to a worker petition filed by a company official on behalf of workers at Conrad Forest Products, North Bend, Oregon.

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

Signed at Washington, DC this 29th day of January 2008.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-2232 Filed 2-6-08; 8:45 am]

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## 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 March 10, 2008.

**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](mailto:Standards-Petitions@dol.gov).

2. *Facsimile:* 1-202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, 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 2349, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

We 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:

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 contact 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. 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 modifications.

## II. Petitions for Modification

*Docket Number:* M-2007-073-C.

*Petitioner:* B & B Coal Company, 225 East Main Street, Joliett, Pennsylvania 17981.

*Mine:* B & B Rockridge Slope, MSHA I.D. No. 36-07741, located in Schuylkill County, Pennsylvania.

*Regulation Affected:* 30 CFR 75.311(a) (Main mine fan operation).

*Modification Request:* The petitioner requests a modification of the existing standard to allow the main mine fan to be idle during non-working hours. The petitioner states that historically, the main mine fan operation has been shut down during non-working shifts, because of icing during the winter months. The petitioner proposes to use the following stipulations in the fan stoppage plan: (1) Shut the main mine fan down during idle periods; (2) no mechanized equipment will be used underground; (3) no electric power circuits enter the underground mine; (4) the main mine fan will be operated for a minimum of one-half hour after the pressure recorder indicates that the normal mine ventilating pressure has been reached prior to anyone entering the mine; (5) the mine battery locomotive may be used to make the required pre-shift examination; (6) the communication circuit 9-volts will be energized prior to the pre-shift being made; (7) a certified person will conduct an examination of the entire mine according to the requirements in 30 CFR 75.360; and (8) persons will be allowed to enter the mine after it is determined to be safe and the pre-shift examination results have been recorded. The petitioner further states that repeated testing of methane concentrations have shown that concentration levels have at no time risen above 0.0 percent. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

*Docket Number:* M-2007-074-C.

*Petitioner:* KenAmerican Resources, Inc., 7590 State Route 181, Central City, Kentucky 42330.

*Mine:* Paradise Mine, MSHA I.D. No. 15-17741, located in Muhlenberg County, Kentucky.

*Regulation Affected:* 30 CFR 75.350 (Belt air course ventilation).

*Modification Request:* The petitioner proposes to develop two inner seam slopes from the No. 11 coal seam to the No. 9 coal seam, vertically a distance of approximately 110 feet. The petitioner states that: (1) The slopes are designed at a nine degree slope for a total distance of 1,000 feet; (2) as an alternative plan, air locks will be used