

totally or partially separated from employment on or after May 17, 2009 through June 26, 2011, and all workers in the group threatened with total or partial separation from employment on June 26, 2009 through June 26, 2011, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 9th day of July 2009.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-16603 Filed 7-13-09; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-60,086]

#### **Ford Motor Company Product Development and Engineering Center Including On-Site Leased Workers From Roush Management LLC, Rapid Global Business Solutions, Inc. and TAC Automotive, Dearborn, MI; Amended Notice of Revised Determination on Reconsideration**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Notice of Revised Determination on Reconsideration on August 8, 2007. The notice was published in the **Federal Register** on August 20, 2007 (72 FR 46515-46516). The Revised Determination on Reconsideration was amended on January 30, 2009 to include on-site leased workers from Roush Management LLC. The notice was published in the **Federal Register** on February 13, 2009 (74 FR 7269).

At the request of a petitioner, the Department reviewed the Notice of Revised Determination on Reconsideration for workers of the subject firm. The workers are in direct support of production of numerous production assembly plants of Ford Motor Company. All of these production facilities were certified eligible for adjustment assistance during April through December 2006.

New information shows that workers leased workers from Rapid Global Business Solutions, Inc., and TAC Automotive were employed on-site at the Dearborn, Michigan location of Ford Motor Company, Product Development Center. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this revised determination to include workers leased from Rapid Global Business Solutions, Inc., and TAC Automotive working on-site at the Dearborn, Michigan location of the subject firm.

The intent of the Department's certification is to include all workers employed at Ford Motor Company, Product Development and Engineering Center, Dearborn, Michigan who were adversely affected by increased imports.

The amended notice applicable to TA-W-60,086 is hereby issued as follows:

All workers of Ford Motor Company, Product Development and Engineering Center, including on-site leased workers from Roush Management LLC, Rapid Global Business Solutions, Inc., and TAC Automotive, Dearborn, Michigan, who became totally or partially separated from employment on or after September 14, 2005, through August 8, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 8th day of July 2009.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-16604 Filed 7-13-09; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-65,739]

#### **EOS Airlines Incorporated, Purchase, NY; Notice of Negative Determination; Regarding Application for Reconsideration**

By application dated May 18, 2009, the petitioner 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 April 14, 2009 and published in the **Federal Register** on April 30, 2009 (74 FR 19996).

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 TAA determination issued by the Department for the workers of Eos Airline Incorporated, Purchase, New York was based on the findings that the worker group did not produce an article within the meaning of Section 222 of the Trade Act of 1974. The investigation revealed that workers of the subject firm provided air transportation services to customers. The investigation further revealed that no production of article(s) occurred within the firm or appropriate subdivision during the relevant period.

The petitioner in the request for reconsideration contends that the Department erred in its interpretation of the work performed by the workers of the subject firm. The petitioner states that the workers of the subject firm produced an article in the form of "Available Seat Mile". The petitioner seems to allege that the pilots produced Seat Miles while transporting customers to their destination.

The investigation revealed that during the relevant period, the workers of Eos Airlines Incorporated, Purchase, New York provided air transportation services to customers. Specifically, according to the company official, the workers of the subject firm were pilots who provided air services between the United States and Europe.

These functions, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act. While the provision of services results in providing the customers with the Available Seat Mile, which is used in measuring the productivity of an airline, the Seat Mile is incidental to the provision of these services. No production took place at the subject facility, nor did the workers support production of an article at any domestic location during the relevant period.

The petitioner also states that the workers would have been eligible for TAA under the new Trade Act if they filed the petition in May 2009. The petitioner seems to allege that the workers of the subject firm should be evaluated using new eligibility criteria and receive a certification for TAA under the new law, even though they filed a petition under the old Trade Act before the new provision went into effect.

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009, commonly known as the economic stimulus package. The new provision of the Trade Act went into effect on May 18, 2009 and applies to petitions filed on or after that date. The petition at hand was filed on March 30, 2009, and therefore, cannot be considered under the new provision.

The workers are encouraged to file a new petition, if the workers wish to be considered under the New TAA Program.

#### 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 22nd day of June, 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-16631 Filed 7-13-09; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-65,433]

#### American Racing Equipment, LLC, Denver, CO; Notice of Negative Determination on Reconsideration

On May 11, 2009, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on June 16, 2009 (74 FR 28552).

The initial investigation resulted in a negative determination based on the finding that imports of two-piece automotive wheels did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred.

In the request for reconsideration, the petitioner alleged that the workers of the subject firm also supported production of cast, one piece wheels. The petitioner alleged that the subject firm shifted production of the cast, one piece wheels abroad and that there was an increase in imports of the cast, one piece wheels.

The Department of Labor contacted a company official to verify this information. The company official

stated that the workers of the subject firm distributed the cast, one piece wheels which were mostly manufactured in China. The company official also stated that the subject firm ceased production of the cast, one piece wheels long before 2008 and that no cast, one piece wheels were manufactured by American Racing Equipment, LLC during the relevant period.

When assessing eligibility for Trade Adjustment Assistance, the Department exclusively considers production, shifts in production and import impact during the relevant time period (one year prior to the date of the petition). Therefore, events occurring prior to February 26, 2008, are outside of the relevant period and are not relevant in this investigation. The investigation revealed that workers of the subject firm did not manufacture the cast, one piece wheels and did not support production of the cast, one piece wheels at any affiliated domestic facility during the relevant period.

To support the allegation of a shift in production to China the petitioner attached an e-mail correspondence from an American Racing Equipment, LLC employee dated March 13, 2008.

Upon further analysis it was revealed that the document contains a review of the subject firm's sales for the month of February 2008. The letter also refers to the negative impact of bad winter conditions in China to the Chinese production which was the reason of reduced sales at the subject firm in February 2008.

The investigation revealed that the above mentioned document does not contain any information which supports the petitioner allegation regarding production of the cast, one piece wheels by workers of the subject firm or a shift in production of the cast, one piece wheels during the relevant period.

The petitioner also attached a letter dated June 29, 2007 signed by a company official.

Documents referring to the events which took place in 2007 are outside of the relevant time period and cannot be considered in this investigation.

The petitioner also attached a spreadsheet named "Salesperson Pace Report—Daily Needs". The Department reviewed the document and determined that it does not contain any additional valid information as it relates to this determination.

#### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for

workers and former workers of American Racing Equipment, LLC, Denver, Colorado.

Signed at Washington, DC, this 26th day of June 2009.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-16630 Filed 7-13-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0306]

### Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 18, 2009, to July 1, 2009. The last biweekly notice was published on June 30, 2009 (74 FR 31318).

#### Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this