

*Total Annualized capital/startup costs: \$0.*

*Total Annual Costs (operating/maintaining systems or purchasing services): \$428,400.*

*Description:* The Employee Retirement Income Security Act of 1974 (ERISA) prohibits a fiduciary with respect to a plan from causing the plan to engage in the direct or indirect lending of money or other extension of credit between the plan and a party in interest. ERISA section 408(b)(1) exempts loans made by a plan to parties in interest who are participants and beneficiaries of the plan from this prohibition provided that certain requirements are satisfied. The regulation at 29 CFR 2550.408b-1 provides additional guidance on section 408(b)(1)(C), which requires that loans must be made in accordance with specific provisions set forth in the plan. This ICR relates to the specific provisions that must be included in plan documents for those plans that permit loans to participants.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 04-19196 Filed 8-20-04; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,695]

#### **C-Cor Corporation, Repair Services Department, Meriden, Connecticut; Notice of Negative Determination Regarding Application for Reconsideration**

By application postmarked June 17, 2004, petitioners 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 applicable to workers of C-Cor Corporation, Repair Services Department, Meriden, Connecticut was signed on May 25, 2004, and published in the **Federal Register** on June 17, 2004 (69 FR 33941).

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 was filed on behalf of workers at C-Cor Corporation, Repair Services Department, Meriden, Connecticut engaged in activities related to the repair of broadband communication products. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

In the request for reconsideration, petitioners allege that the workers supported production of C-Cor products, namely electronic broadband equipment. They further state that the subject firm outsourced repair of its products to Mexico through the third party.

A company official was contacted to clarify the work performed by the Repair Services Department. It was revealed that the subject group of workers did not support any production at the subject facility but performed repair services of the equipment produced by C-Cor Corporation in Meriden, Connecticut.

The official further confirmed the fact established during the original investigation that C-Cor Corporation, Meriden, Connecticut outsourced its repair services to a non-affiliated domestic company in California, which was the cause of the job eliminations of the subject group of workers.

Repair of products already purchased does not constitute production within the context of eligibility requirements for trade adjustment assistance.

#### **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 12th day of August, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

##### **1. Mississippi Lime Company**

[Docket No. M-2004-008-M]

Mississippi Lime Company, 16147 Highway 61, Ste. Genevieve, Missouri 63670 has filed a petition to modify the application of 30 CFR 56.15005 (Safety belts and lines) to its Peerless Mine and Mill (MSHA I.D. No. 23-00542) located in Ste. Genevieve County, Missouri. The petitioner proposes to facilitate non-entry full body harness and lifeline whenever an entrant enters a tank, bin or other dangerous areas, to facilitate non-entry rescue, unless the retrieval equipment would increase the overall risk of entry or not contribute to the rescue of the entrant. When a lifeline is used, the petitioner proposes to have a second person attending the lifeline. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### **2. American Engineering & Construction Company**

[Docket No. M-2004-035-C]

American Engineering & Construction Company, 735 St. Rt. 857, Clay, Kentucky 42404 has filed a petition to modify the application of 30 CFR 75.364(b)(4) (Weekly examination) to its Baker Mine (MSHA I.D. No. 15-14992) located in Webster County, Kentucky. Due to deteriorating roof conditions in the 13 seam seals at the 2nd and 3rd North Main Entries No. 1 Set of Seals, (affected Seals are No.'s 9, 10, 11, 12, and 13), the petitioner proposes to use an alternative method for examinations of the seals in the return air courses of the affected areas. The petitioner proposes to conduct examinations at evaluation points No. 1 and No. 2, and monitor upstream (with respect to air flow) and downstream of the seal locations that cannot be examined. The petitioner states that monitoring at these evaluation points will evaluate the atmosphere going into and coming out from the seals. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.