

February 4, 2008. Along with publication in the **Federal Register**, written notice of the availability of the Draft EIS was also published in four local and regional newspapers (in English and Spanish) and over 200 copies of the document were distributed to federal, state and local government agencies, elected officials, public libraries, interested organizations, and individuals. Public hearings concerning the proposed action and the Draft EIS were held during the public comment period on January 16, 2008, in Moapa, Nevada, and January 17, 2008, in Pahrump, Nevada, with approximately 60 individuals attending the two hearings.

The Final EIS addressed comments received on the Draft EIS and publication of the NOA in the **Federal Register** concerning the Final EIS occurred on March 28, 2008 (73 FR 16672). The 30-day review period for receipt of public comments concerning the Final EIS ended on April 28, 2008. Less than 60 comment letters were received during the Final EIS public review period. The comment letters received on the Final EIS are similar to comments received concerning the Draft EIS and were considered in the decision presented in the ROD.

#### **Availability of the Record of Decision**

The ROD and other information regarding this project are available upon request by contacting: Scott P. Stermer, Assistant Federal Detention Trustee, Office of the Federal Detention Trustee, 4601 North Fairfax Drive, 9th Floor, Arlington, Virginia 22203; or Tel: 202-353-4601/Fax: 202-353-4611/E-mail: [Scott.Stermer2@doj.gov](mailto:Scott.Stermer2@doj.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Scott P. Stermer, Assistant Federal Detention Trustee.

Dated: May 13, 2008.

**Scott P. Stermer,**

*Assistant Federal Detention Trustee, Office of the Federal Detention Trustee.*

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## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

[TA-W-62,850]

#### **Magnesium Aluminum Corporation Including On-Site Leased Workers From Alliance Staffing Solutions and Staff, Inc., Cleveland, OH; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

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 Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on April 4, 2008, applicable to workers of Magnesium Aluminum Corporation, including on-site leased workers from Alliance Staffing Solutions, Cleveland, Ohio. The notice was published in the **Federal Register** on April 17, 2008 (73 FR 20954).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of aluminum and magnesium castings for the automotive industry.

New information shows that a leased worker of Staff, Inc. was employed on-site at the Cleveland, Ohio, location of Magnesium Aluminum Corporation. The Department has determined that this worker was sufficiently under the control of the subject firm.

Based on these findings, the Department is amending this certification to include a leased worker of Staff, Inc. working on-site at the Cleveland, Ohio, location of the subject firm.

The intent of the Department's certification is to include all workers employed at Magnesium Aluminum Corporation who were adversely affected by a shift in production of aluminum and magnesium castings to Mexico.

The amended notice applicable to TA-W-62,850 is hereby issued as follows:

All workers of Magnesium Aluminum Corporation, including on-site leased workers from Alliance Staffing Solutions and Staff, Inc., Cleveland, Ohio, who became totally or partially separated from employment on or after February 13, 2007, through April 4, 2010, 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 12th day of May 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**BILLING CODE 4510-FN-P**

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of *May 5 through May 9, 2008*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

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;

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) both of the following must be satisfied:

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;

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;

2. The country to which the workers' firm has shifted production of the articles to 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.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

#### **Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

*None.*

#### **Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-62,719; OSRAM Sylvania, Materials Div., Siemens Corp., Warren, PA: February 8, 2008.

TA-W-62,890; Buxton Acquisition Co., LLC, Chicopee, MA: February 21, 2007.

TA-W-63,204; Klaussner Furniture Industries, Inc., Plant 75, Asheboro, NC: April 16, 2007.

TA-W-63,204A; Klaussner Furniture Industries, Inc., Plant 27, Star, NC: April 16, 2007.

TA-W-63,204B; Klaussner Furniture Industries, Inc., Plant 15, Asheboro, NC: April 16, 2007.

TA-W-63,259; Kenneth Gordon, A Subsidiary of I.A.G., Inc., Harahan, LA: April 25, 2007.

TA-W-63,263; Woodgrain Millwork, Inc., Woodgrain Doors Division, Nampa, ID: April 23, 2007.

TA-W-62,979; Blackhawk Automotive Plastics, Mason, OH: March 7, 2007.

TA-W-62,999; Quality Beachwear, Compton, CA: March 13, 2007.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-62,856; Honeywell International, Inc., Honeywell Process Solution, Field Solutions, HPS, Manpower, Phoenix, AZ: February 13, 2007.

TA-W-63,137; Quiksilver, Screenprint Operation Div., On-Site Workers from Rainmaker and Citistaff Solutions, Huntington Beach, CA: March 28, 2007.

TA-W-63,162; Whirlpool Corporation, Workers Producing 20" Free Standing Range, Cleveland, TN: April 1, 2007.

TA-W-63,233; MPC Computers, LLC, Also known as Gateway Pro Partners, Select Staffing, La Vergne, TN: April 22, 2007.

TA-W-63,293; Wausau Paper Specialty Products, LLC, A Subsidiary of Wausau Paper Corp., Converted Products Division, Columbus, WI: April 28, 2007.

TA-W-62,595; Cisco Systems, Inc., Optical Transport Business Unit, Petaluma, CA: December 7, 2006.

TA-W-62,603; Coyne and Delany Company, Charlottesville, VA: December 17, 2006.

TA-W-63,223; San Diego Union-Tribune, Advertising Artists Group, San Diego, CA: April 10, 2007.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-63,205; Johnson Controls, Inc., Automotive Experience Division, Taylor, MI: April 14, 2007.

TA-W-63,068; Gouverneur Talc Company, Division of R.T. Vanderbilt Company, Gouverneur, NY: March 26, 2007.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*None.*

**Negative Determinations for Alternative Trade Adjustment Assistance**

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

*None.*

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

*None.*

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

*None.*

**Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

*TA-W-63,113; Custom Metal Spinning, Inc., Paramount, CA.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*TA-W-63,227; Belden, Mohawk Division, Leominster, MA.*

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*TA-W-62,898; Finisar Corporation, Advanced Optical Components Division, Allen, TX.*

*TA-W-63,096; PolyVision Corporation, Corona, CA.*

*TA-W-63,169; Batavia Transmissions, LLC, A Subsidiary of Ford Motor Company, Batavia, OH.*

*TA-W-63,029; Carm Newsome Hosiery, Inc., Fort Payne, AL.*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-63,074; Pfizer, Inc., Global Research and Development Division, Groton, CT.*

*TA-W-63,076; Aon Risk Services, Inc., Document Production Department, Saint Louis, MO.*

*TA-W-63,200; Ranco North America, Invensys Climate Controls Division, Brownsville, TX.*

*TA-W-63,254; Teva Neuroscience, Inc., Global Clinical Professional Resources Group, Horsham, PA.*

*TA-W-63,294; Hughes Lumber Company, White City, OR.*

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

*None.*

I hereby certify that the aforementioned determinations were issued during the period of May 5 through May 9, 2008. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 15, 2008.

**Erin Fitzgerald,**

*Director, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

**[TA-W-63,075]**

**Russound Also Known as Folded Metal Products, Inc., Newmarket, NH; Notice of Negative Determination Regarding Application for Reconsideration**

By application received May 7, 2008, a petitioner 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 April 11, 2008 and published in the **Federal Register** on April 23, 2008 (73 FR 21992).

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 workers of Russound, also known as Folded Metal Products, Inc., Newmarket, New Hampshire was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974.

The petitioner infers that employment at the subject firm was negatively impacted by the outsourcing of production by other companies to foreign sources. Following this shift of production abroad, jobs performed by workers of the subject firm (electronic, mechanical and industrial designers and engineers, supply chain managers, safety/compliance engineers) were also shifted or outsourced abroad. The petitioner also states that regardless of whether the workers of the subject firm produce a product or provide services, they should be certified eligible for Trade Adjustment Assistance.

The investigation revealed that the workers of Russound, also known as Folded Metal Products, Inc., Newmarket, New Hampshire are engaged in functions related to the design and distribution of audio-video systems and connectivity products. These functions, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act of 1974.

The allegation of a shift to another country might be relevant if it was determined that workers of the subject firm produced an article. Since the investigation determined that workers of Russound, also known as Folded Metal Products, Inc., Newmarket, New Hampshire do not produce an article, there cannot be imports nor a shift in production of an "article" abroad within the meaning of the Trade Act of 1974 in this instance.

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.