

Act, 33 U.S.C. 1311(a). The proposed Consent Decree resolves these allegations by requiring the defendants to enhance wetlands, to purchase mitigation credits, and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Andrew J. Doyle, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and refer to *United States v. Century Homebuilders, LLC*, DJ # 90-5-1-1-18402.

The proposed Consent Decree may be examined at the Clerk's Office, U.S. District Court, 400 North Miami Avenue, Miami, Florida 33128, or electronically at [http://www.justice.gov/enrd/Consent\\_Decrees.html](http://www.justice.gov/enrd/Consent_Decrees.html).

**Maureen M. Katz,**

*Assistant Section Chief, Environment & Natural Resources Division.*

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**BILLING CODE P**

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Notice of Determinations Regarding Eligibility To Apply for Worker 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 by (TA-W) number issued during the period of October 18, 2010 through October 22, 2010.

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. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles

produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies 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) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such

workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary 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(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

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

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

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the

**Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or  
 (B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

**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.

TA-W No.	Subject firm	Location	Impact date
73,430 .....	Covad Communications Company, Dieca Communications, Inc. Leased Workers Equity Staffing and Position Filled.	Denver, CO .....	January 28, 2009.
74,071 .....	Besse Wood Products, Inc., Birds Eye Veneer Company ....	Butternut, WI .....	April 20, 2009.
74,510 .....	Ornamental Products, LLC, Tenon, Limited; Leased Workers from Staffmasters.	High Point, NC .....	July 12, 2010.

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

TA-W No.	Subject firm	Location	Impact date
73,743 .....	American Fiber and Finishing, Inc., Leased Workers from Staffmasters.	Albemarle, NC .....	March 17, 2009.
73,940 .....	LVD Acquisition LLC, dba Oasis International .....	Columbus, OH .....	March 18, 2009.
74,275 .....	Welch Allyn, Inc., Trimline, Accountemps, Kelly, Delta, and Connection.	Branchburg, NJ .....	June 16, 2009.
74,275A .....	Welch Allyn, Inc., Also Known as Trimline .....	Branchburg, NJ .....	June 16, 2009.
74,411 .....	Avaya Global Services, AOS Service Delivery, Diamondware, LTD., Virtual Offices.	Research Triangle Park, NC ..	July 8, 2009.
74,411A .....	Avaya Global Services, AOS Service Delivery, Diamondware, LTD.	Richardson, TX .....	July 8, 2009.
74,411B .....	Avaya Global Services, AOS Service Delivery, Diamondware, LTD.	Billerica, MA .....	July 8, 2009.
74,411C .....	Avaya Global Services, AOS Service Delivery, Diamondware, LTD.	Santa Clara, CA .....	July 8, 2009.
74,546 .....	Medline Industries, Inc., Sterile Procedure Trays Div., Leased Workers from Resource Mfg.	Oldsmar, FL .....	August 16, 2009.
74,546A .....	Medline Industries, Inc., Sterile Procedure Trays Div., Leased Workers from Resource Mfg.	Clearwater, FL .....	August 16, 2009.
74,557 .....	Brinker International, Accounting Division, Accountemps and Right Hire.	Dallas, TX .....	August 6, 2009.
74,588 .....	Hewlett Packard Company, Applications Services Division ..	Fishers, IN .....	August 1, 2009.
74,608 .....	Roman entertainment Corporation of Indiana, D/B/A Harrah's Horseshoe of Southern Indiana, Information Tech. Dept.	Elizabeth, IN .....	September 8, 2009.
74,662 .....	Hewlett Packard Company, Applications Services Division ..	Los Angeles, CA .....	September 15, 2009.
74,677 .....	Hospira, Incorporated, Kelly Service .....	Pleasant Prairie, WI .....	August 30, 2009.
74,682 .....	Broadview Network Holdings, Inc. ....	Rye Brook, NY .....	September 27, 2009.
74,686 .....	Diebold Software Solutions, A Division of Diebold, Inc., Leased Workers from Technisource, Inc.	Raleigh, NC .....	September 24, 2009.
74,703 .....	Aviat, U.S., Inc., Harris Stratex, Networks Operating Corp., Greene Resources.	San Jose, CA .....	November 21, 2010.
74,710 .....	Kasco Corporation .....	Atlanta, GA .....	October 4, 2009.
74,727 .....	Habilis, Inc., Optima, Inc.; Monroe Staffing Services, LLC and Photo Temps.	Milford, CT .....	October 13, 2009.

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

TA-W No.	Subject firm	Location	Impact date
73,650 .....	Cole Pattern and Engineering .....	Fort Wayne, IN .....	March 3, 2009.
74,515 .....	Weyerhaeuser NR—Foster Veneer, ILevel—Engineered Wood Products.	Sweet Home, OR .....	August 11, 2009.

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

TA-W No.	Subject firm	Location	Impact date
74,352 .....	Trim Masters, Inc., Toyota Boshuko America, Johnson Controls, NESCO Resource.	Nicholasville, KY .....	July 7, 2009.

**Negative Determinations for Worker 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.

The investigation revealed that the criteria under paragraphs(a)(2)(A)

(increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
73,855 .....	Karsten Homes .....	Stayton, OR.	
74,492 .....	Rocky III Investments, LLC .....	Montrose, CO.	

I hereby certify that the aforementioned determinations were issued during the period of *October 18, 2010 through October 22, 2010*. Copies of these determinations may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or [foiarequest@dol.gov](mailto:foiarequest@dol.gov). These determinations also are available on the Department's Web site at <http://www.doleta.gov/tradeact> under the searchable listing of determinations.

Dated: October 28, 2010.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 18, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 18, 2010.

Copies of these petitions may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail, to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or to [foiarequest@dol.gov](mailto:foiarequest@dol.gov).

Signed at Washington, DC this 28th of October 2010.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

**APPENDIX**

TAA petitions instituted between 10/18/10 and 10/22/10

TA-W	Subject Firm (Petitioners)	Location	Date of institution	Date of petition
74723 .....	Oracle America, Inc. (State/One-Stop) .....	Broomfield, CO .....	10/18/10	10/08/10
74724 .....	International Business Machines (IBM) (State/One-Stop) .....	Endicott, NY .....	10/18/10	10/06/10
74725 .....	Albany Services, Inc. (State/One-Stop) .....	Mountain View, CA .....	10/18/10	10/12/10
74726 .....	Weldco-Beales Manufacturing (State/One-Stop) .....	Tacoma, WA .....	10/18/10	10/12/10
74727 .....	Habilis, Inc. (State/One-Stop) .....	Milford, CT .....	10/18/10	10/13/10
74728 .....	Dresser, Inc. (Union) .....	Avon, MA .....	10/18/10	10/08/10
74729 .....	Kemco (Company) .....	Travelers Rest, SC .....	10/18/10	10/13/10
74730 .....	Roseburg Forest Products Dillard Sawmill #1 (Union) .....	Dillard, OR .....	10/18/10	09/30/10
74731 .....	Bean Lumber Company (State/One-Stop) .....	Glenwood, AR .....	10/18/10	10/12/10
74732 .....	Andy Sims Buick (Workers) .....	Broadview Heights, OH .....	10/18/10	10/08/10
74733 .....	Premiere Global Services (Workers) .....	Deerfield Beach, FL .....	10/18/10	10/08/10
74734 .....	Chrysler Group, LLC (Union) .....	Trenton, MI .....	10/18/10	10/08/10
74735 .....	Texas Hydraulics (Workers) .....	Athens, TN .....	10/18/10	10/07/10