

relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas and perform mitigation 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 Edmund F. Brennan, Assistant United States Attorney, and refer to *United States of America v. County of Sacramento*, Case Number 2:06-CV-00908-GEB-GGH.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of California, 501 I Street, Sacramento, California. In addition, the proposed Consent Decree may be viewed at <http://www.usdoj.gov/enrd/open.html>.

**Edmund F. Brennan,**

*Assistant U.S. Attorney.*

[FR Doc. 06-4376 Filed 5-10-06; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Judgment Pursuant to Federal Water Pollution Control Act

Notice is hereby given that on April 28, 2006, a proposed Consent Judgment in *United States and State of New York v. County of Suffolk, et al.*, Civil Action No. CV-06-1978, was lodged with the United States District Court for the Eastern District of New York.

The United States and the State of New York sued the County of Suffolk, Suffolk County Department of Public Works, and Charles J. Bartha, Commissioner of the Suffolk County Department of Public Works (collectively, "Suffolk") under section 309(b) and (d) of the Federal Water Pollution Control Act, 33 U.S.C. 1319(b) and (d), and under State law for alleged violations of Suffolk's Industrial Waste Pretreatment Program (IPP) and its State Pollutant Discharge Elimination System (SPDES) Permits. The Consent Judgment resolves these claims and requires Suffolk to pay a civil penalty of \$300,000, to fund a supplemental environmental project in the amount of \$700,000, and to comply with its IPP and SPDES Permits.

The Department of Justice will receive for a period of thirty (30) days from the

date of this publication comments relating to the proposed Consent Judgment. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States, et al v. County of Suffolk, et al.*, DJ No. 90-5-1-1-5065/1.

The proposed Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, One Pierrepont Plaza, 14th Fl., Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. During the public comment period, the proposed Consent Judgment may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed Consent Judgment may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. If requesting a copy of the proposed Consent Judgment, please so note and enclose a check in the amount of \$17.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 06-4373 Filed 5-10-06; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,063]

#### **McLeodUSA Telecommunications Services; A Subsidiary of McLeodUSA, Inc.; Springfield, MO; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at McLeodUSA Telecommunications Services, a subsidiary of McLeodUSA, Inc., Springfield, Missouri. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification

for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA-W-59,063; McLeodUSA

*Telecommunications Service, A Subsidiary of McLeodUSA, Inc., Springfield, Missouri. (May 3, 2006).*

Signed at Washington, DC this 4th day of May 2006.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 06-4416 Filed 5-10-06; 8:45 am]

**BILLING CODE 4510-30-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 (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the periods of April 2006.

In order for an affirmative determination to be made and a certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, 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 and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, 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.

#### **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 (a)(2)(A) (increased imports) of section 222 have been met, and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-59,145; *Roland Audio Development Corporation, La Mirada, CA: March 20, 2005*  
 TA-W-59,157; *General Electric, Consumer & Industrial Division, Murfreesboro, TN: March 31, 2005*  
 TA-W-59,186; *Paul Lavitt Mills, Inc., Hickory, NC: April 11, 2005*  
 TA-W-59,194; *Artist Colony LTD, Lexington, NC: April 9, 2005*  
 TA-W-59,207; *Bernhardt Furniture Company, Upholstery—Plant #9, Leased Workers From USA Staffing, Shelby, NC: April 12, 2005*  
 TA-W-59,207A; *Bernhardt Furniture Company, Upholstery—Plant #14, Leased Workers From USA Staffing, Cherryville, NC: April 12, 2005*  
 TA-W-59,210; *Sony Logistics of America-Pittsburgh, Subsidiary of Sony Electronics, Inc., Mt. Pleasant, PA: April 12, 2005*  
 TA-W-59,233; *3D Materials Handling, LLC, Working at Fraser NH LLC, Gorham, NH: April 17, 2005*  
 TA-W-58,693; *Lake County Greenhouse Corp., Crown Point, IN: January 14, 2005*  
 TA-W-58,698; *Plastech Engineered Products, Inc., dba Andover Industries, Andover, OH: December 30, 2004*  
 TA-W-58,804A; *Republic Engineered Products, Inc., Lackawanna, NY: February 7, 2005*  
 TA-W-58,804B; *Republic Engineered Products, Inc., Lorain, OH: February 7, 2005*  
 TA-W-59,068; *Federal Mogul Corporation, Malden, MO: March 21, 2005*  
 TA-W-59,086; *Flynn, LLC, Greenville, KY: March 24, 2005*  
 TA-W-59,128; *Value Line Textiles, Inc., Lenoir City, TN: March 30, 2005*  
 TA-W-59,131; *Penncost Corporation, Marietta, PA: March 24, 2005*  
 TA-W-59,177; *Grapevine Staffing, LLC, Automotive Seating of America, Romech Division, Red Oak, IA: April 7, 2005*  
 TA-W-58,756; *Wagner Knitting, Inc., Lowell, NC: January 30, 2005*  
 TA-W-58,813; *Masonite International Corporation, Mobile, AL: February 8, 2005*  
 TA-W-59,213; *Hexcel Corp., Reinforcements Division, Washington, GA: April 4, 2005*

The following certifications have been issued. The requirements of (a) (2) (B)

(shift in production) of section 222 and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-59,110; *American Video Glass Co., A Subsidiary of Sony Electronics, Leased Workers of Staffmark, Mt. Pleasant, PA: May 14, 2005*  
 TA-W-59,113; *Sara Lee Branded Apparel, Eden, NC: March 22, 2005*  
 TA-W-59,113A; *Sara Lee Branded Apparel, Galax, VA: March 22, 2005*  
 TA-W-59,160; *3M Touch Systems, Including Volt Services, Milwaukee, WI: April 4, 2005*  
 TA-W-59,162; *Esselte Business Corporation, Buena Park Division, Leased Workers Staffing Solutions, Buena Park, CA: March 29, 2005*  
 TA-W-59,168; *Joan Fabrics Corporation, Siler City, NC: April 5, 2005*  
 TA-W-58,880; *TG Manufacturing, Inc., Hammonton, NJ: February 21, 2005*  
 TA-W-59,039A; *Nortel, MG9K Software Design Dept. JF17, Research Triangle Park, NC: February 17, 2005*  
 TA-W-59,049; *Arlee Home Fashions, Including On-Site Leased Workers of Penmac, West Plains, MO: March 15, 2005*  
 TA-W-59,061; *Affinia Brake Parts, Inc., Rotors & Drums Departments, Leased Workers of Express Personnel, McHenry, IL: March 20, 2005*

The following certification has been issued. The requirement of supplier to a trade certified firm and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None

The following certification has been issued. The requirement of downstream producer to a trade certified firm and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None

#### **Negative Determinations for Worker Adjustment Assistance**

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

The investigation revealed that criterion (a)(2)(A)(I.A) and (a)(2)(B)(II.A) (no employment decline) has not been met.

TA-W-58,804; *Republic Engineered Products, Inc., Canton, OH.*  
 TA-W-59,077; *Greatbatch Sierra, Inc., Carson City, NV.*  
 TA-W-59,251; *Steed Sales Co., Inc., Bowdon, GA.*

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.

None

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

*TA-W-59,092; Rapid Precision Machining, Victor, NY.*

*TA-W-59,158; Progressive Screens, Inc., Gaffney, SC.*

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

None

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

*TA-W-59,039; Nortel, XPM GNPS, Design and Support, Research Triangle Park, NC.*

*TA-W-59,089; Affiliated Computer Services, Inc., Wichita, KS.*

*TA-W-59,221; Moore Wallace AN RR Donnelley Co., National Customer Service Center, Libertyville, IL.*

*TA-W-59,221A; Moore Wallace AN RR Donnelley Co., National Customer Service Center, St. Charles, IL.*

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

None

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

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.

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 determinations.

In the following cases, it has been determined that the requirements of section 246(a)(3)(ii) have been met.

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

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

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

#### **Negative Determinations for Alternative Trade Adjustment Assistance**

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.

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

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

*TA-W-58,804; Republic Engineered Products, Inc., Canton, OH.*

*TA-W-59,077; Greatbatch Sierra, Inc., Carson City, NV.*

*TA-W-59,251; Steed Sales Co., Inc., Bowdon, GA.*

*TA-W-59,092; Rapid Precision Machining, Victor, NY.*

*TA-W-59,158; Progressive Screens, Inc., Gaffney, SC.*

*TA-W-59,039; Nortel, XPM GNPS, Design and Support, Research Triangle Park, NC.*

*TA-W-59,089; Affiliated Computer Services, Inc., Wichita, KS.*

*TA-W-59,221; Moore Wallace AN RR Donnelley Co., National Customer Service Center, Libertyville, IL.*

*TA-W-59,221A; Moore Wallace AN RR Donnelley Co., National Customer Service Center, St. Charles, IL.*

The Department as determined that criterion (1) of section 246 has not been met. Workers at the firm are 50 years of age or older.

None

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

*TA-W-59,039A; Nortel, MG9K Software Design Dept. JF17, Research Triangle Park, NC.*

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

*TA-W-58,880; TG Manufacturing, Inc., Hammonton, NJ.*

I hereby certify that the aforementioned determinations were issued during the month of April 2006. 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 4, 2006.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 06-4418 Filed 5-10-06; 8:45 am]

BILLING CODE 4510-30-P

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

[TA-W-58,770]

#### **Thomasville Furniture Ind.; Plant #5; Conover, NC; Notice of Revised Determination on Reconsideration**

By letter dated April 4, 2006, a petitioner 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 initial investigation resulted in a negative determination signed on March 10, 2006, was based on the finding that sales and production at the subject facility increased during the relevant time period and that job losses at the subject firm were not attributed to increased imports or a shift of production of upholstered furniture to a foreign source. The denial notice was published in the **Federal Register** on April 4, 2006 (71 FR 16834).

To support the request for reconsideration, the petitioner supplied additional information regarding production at the subject facility and company imports of like or directly competitive products with those produced at the subject firm.

The review of the case revealed that sales at the subject firm decreased from 2004 to 2005. Upon further contact with the subject firm's company official, it was revealed that the subject firm decreased domestic production of upholstered furniture while increasing its reliance on imports of upholstered furniture during the relevant time period.

In accordance with section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the