

Therefore, the issue is not whether the worker separations on or before April 23, 2004 are attributable to the increased imports that were the basis for certification; the issue is whether or not the worker separations after April 23, 2004 are attributable to the increased imports that were the basis for certification.

The Department must determine whether the events that caused the separations after April 23, 2004 are identical to those that were the basis for the certification. While the certification of workers separated on or before April 23, 2004 was based on increased imports, SAR 18–19, worker separations after April 23, 2004 resulted from ISG's decision not to continue to employ the Weirton production workers when it purchased the operating Weirton plant as part of the May 18, 2004 sale. SAR 13–14. Accordingly, the Department determines that workers separated on May 18, 2004, belong in a worker group that is separately identifiable from the worker group covered by the certification in TA–W–39,657, and that the Department's determination denying amendment of the TA–W–39,657 to include both worker groups is appropriate under the circumstances.

#### **Weirton Different From Previous Cases Where the Department Extended Worker Certifications**

Plaintiffs allege that the action taken by the Department in the case at hand is inconsistent with the actions taken in *O/Z–Gedney Co., Division of EGS Electrical Group*, Terrytown, Connecticut, TA–W–38,569 (*O/Z–Gedney*) and *Wiegand Appliance Division, Emerson Electric Company*, Vernon, Alabama, TA–W–39,436 (*Wiegand*).

In *O/Z–Gedney*, the certified workers were engaged in the production of electrical fittings until the facility closed. The amended certification stated that the intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports. The Department amended the certification because there was a causal nexus between the workers' separation and the plant closure that was the result of increased imports. The single worker retained at the subject firm beyond the March 27, 2003 expiration date was engaged in activities related to the close-down process until her termination on March 26, 2004. SAR 20.

In *Wiegand*, the certified workers were engaged in activities related to the production of electric heating elements until the company closed. The amended certification stated that the intent of the

Department's certification is to include all workers of the subject firm who were adversely affected by increased imports. The Department amended the certification because there was a causal nexus between the worker's separation and the plant closure that was the result of increased imports. The workers separated after the July 16, 2003 expiration date were retained to conduct activities related to the closure of the facility. These workers completed the tracking of outstanding customer orders until their termination on July 21, 2003. SAR 21.

In *Thomson*, the amended certification issued by the Department stated that the intent of the certification is to include all workers of the subject firm who were adversely affected by increased imports. The Department stated that there was a causal nexus between the worker's separation and the plant closure. The few workers Thomson continued to employ after the expiration of the certification were retained by the subject firm pursuant to State regulation to engage in decommissioning activities. SAR 24.

As illustrated in the cases discussed above, the Department's amendments were based on findings that increased imports adversely affected the workers separated after the expiration of the certification. The subject firm retained employees past the certification expiration date solely to close down the facility from which the certified workers had been separated based on increased imports of the articles produced at that facility. The Department's treatment of such workers has been consistent and the decision here also is consistent with that practice. The Weirton workers separated after the plant's acquisition by ISG were not engaged in the closedown of that facility, but were actually involved in production and maintenance of the plant.

#### **The Remand Determination Is in Accord With the Remedial Nature of the TAA Statute**

In the remand order, the USCIT directs the Department to explain why its determination is in accord with the remedial nature of the Trade Act. The Department respectfully disagrees with the premise of the USCIT's question. While it is true that the Trade Act is remedial in nature, the statute does not authorize the granting of certification, unlimited by time, in every situation involving a sympathetic fact pattern.

Certifications have to end at some time. Our current procedures provide that certifications generally last for two years and are, normally, not terminated

short of that. A generous application of the law is not required.

#### **Conclusion**

After reconsideration on remand, I affirm the decision not to amend the certification of TA–W–39,657 to include workers separated from Weirton Steel Corporation, Weirton, West Virginia after April 23, 2004.

Signed at Washington, DC, this 28th day of August 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8–20688 Filed 9–5–08; 8:45 am]

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## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

[TA–W–63,197]

#### **Dan River, Inc.; Danville Operations; Danville, VA; Notice of Revised Determination on Reconsideration**

On July 11, 2008, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on July 21, 2008 (73 FR 42368).

In the request for reconsideration, the petitioner provided new information regarding production at the subject facility. The petitioner stated that workers of the subject facility produced various package labels and packaging materials.

The Department contacted a company official to address this allegation. Based on information provided by the company official, the Department determined that workers of the subject firm were engaged in the production of package labels and packaging material in 2007 and January through April 2008.

The investigation also revealed that the subject firm has shifted production of package labels and packaging material to China, Pakistan and India impacting workers at the Danville plant. The investigation also revealed that the firm increased imports of package labels and packaging material during the relevant period.

In accordance with Section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department 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, as amended, must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

#### Conclusion

After careful review of the facts obtained in the investigation, I determine that there was a shift in production from the workers' firm or subdivision to China, Pakistan and India of articles that are like or directly competitive with those produced by the subject firm or subdivision, and there has been or is likely to be an increase in imports of like or directly competitive articles. In accordance with the provisions of the Act, I make the following certification:

All workers of Dan River, Inc., Danville Operations, Danville, Virginia, who became totally or partially separated from employment on or after April 14, 2007, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 27th day of August 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-20689 Filed 9-5-08; 8:45 am]

BILLING CODE 4510-FN-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-63,903]

##### Gramercy Jewelry Manufacturing Corp., New York, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 19, 2008 in response to a petition filed by a company official on behalf of workers of Gramercy Jewelry Manufacturing Corp., New York, New York.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 29th day of August 2008.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-20687 Filed 9-5-08; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-63,914]

##### Less Labor, Inc., Hopkinsville, KY, Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 21, 2008 in response to a worker petition filed by a company official on behalf of workers of Less Labor, Inc., Hopkinsville, Kentucky.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 29th day of August 2008.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-20691 Filed 9-5-08; 8:45 am]

BILLING CODE 4510-FN-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-63,926]

##### Veyance Technologies, Inc.; Fairlawn, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 25, 2008 in response to a petition filed by a company official on behalf of workers of Veyance Technologies, Inc., Fairlawn, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 29th day of August 2008.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-20692 Filed 9-5-08; 8:45 am]

BILLING CODE 4510-FN-P

#### MILLENNIUM CHALLENGE CORPORATION

[MCC FR 08-10]

##### Notice of the September 17, 2008 Millennium Challenge Corporation Board of Directors Meeting; Sunshine Act Meeting

**AGENCY:** Millennium Challenge Corporation.

**TIME AND DATE:** 10 a.m. to 11:45 a.m., Wednesday, September 17, 2008.

**PLACE:** Department of State, 2201 C Street, NW., Washington, DC 20520.

**FOR FURTHER INFORMATION CONTACT:** Information on the meeting may be obtained from Suzi M. Morris via e-mail at [Board@mcc.gov](mailto:Board@mcc.gov) or by telephone at (202) 521-3600.

**STATUS:** Meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** The Board of Directors (the "Board") of the Millennium Challenge Corporation ("MCC") will hold a meeting to discuss and consider country-specific compact development issues and compact implementation issues affecting a number of MCC's countries; and certain administrative matters.

The agenda items are expected to involve the discussion of classified information and the meeting will be closed to the public.

Dated: September 4, 2008.

**William G. Anderson, Jr.,**

*Vice President and General Counsel, Millennium Challenge Corporation.*

[FR Doc. E8-20894 Filed 9-4-08; 4:15 pm]

BILLING CODE 9211-03-P

#### NATIONAL SCIENCE FOUNDATION

##### Notice of Permits Issued Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

**SUPPLEMENTARY INFORMATION:** On July 30, 2008, the National Science Foundation published a notice in the **Federal Register** of permit applications