

proposed Consent Decree ("Consent Decree") in the matter of *United States v. Von Roll America, Inc.*, Civil Action No. 4:06 CV 2893, was lodged with the United States District Court for the Northern District of Ohio, Eastern Division.

In the complaint in this matter, the United States sought injunctive relief and penalties against Von Roll America, Inc. ("Von Roll") for claims arising under the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*, in connection with the operation of Von Roll's hazardous waste treatment, storage, and disposal facility located in East Liverpool, Ohio. Under the Consent Decree, Von Roll will: control waste vapors containing volatile organic compounds, including benzene, by installing and operating a carbon absorption system that will consist of no less than two trains of a primary and a secondary carbon box operated in series; install and operate a total hydrocarbon ("THC") continuous emissions monitor system ("CEMS") between the primary and secondary carbon box in each dual series to monitor for carbon breakthrough (an indication that the carbon box is no longer effective); and change out the primary box whenever CEMS data shows THCs of 5 ppm or greater on a 60 minute rolling average. Von Roll will pay a civil penalty of \$750,000 and, as a Supplemental Environmental Project, will undertake a household hazardous waste collection project valued at \$34,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Von Roll America, Inc.*, D.J. Ref. No. 90-5-2-1-08743.

The Consent Decree may be examined at the Office of the United States Attorney, 2 South Main St., Rm. 208, Akron, Ohio 44308, and at U.S. EPA Region 5, 77 W. Jackson St., Chicago, IL 60604. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also 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 number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$21.25 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if by email or fax, forward a check in the amount to the Consent Decree Library at the stated address.

**William D. Brighton,**

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

[FR Doc. 06-9670 Filed 12-13-06; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-60,269]

#### **AAR Manufacturing dba AAR Cargo Systems, Livonia, MI; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 20, 2006 in response to a worker petition filed by a company official on behalf of workers at AAR Manufacturing, dba Cargo Systems, Livonia, Michigan.

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

Dated: December 4, 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-21255 Filed 12-13-06; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-60,404]

#### **Dickten Masch Plastics, LLC, Hattiesburg Plant, a Subsidiary of Everett Smith Group, Hattiesburg, MS; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 13, 2006 in response to a petition filed by a company official on behalf of workers at Dickten Masch Plastics, a subsidiary of Everett Smith Group, Hattiesburg Plant, Hattiesburg, Mississippi.

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

Dated: December 7, 2006.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-21256 Filed 12-13-06; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-60,266]

#### **Hanesbrands, Inc., Formerly Known as Sara Lee Corporation, Trading as L'eggs Products Marion Plant, Marion, SC; 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 November 7, 2006, applicable to workers of Hanesbrands, Inc., Marion, South Carolina. The notice was published in the **Federal Register** on November 28, 2006 (71 FR 68844).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in activities related to the production of hosiery. The Department inadvertently omitted in this certification that the firm was formerly known as Sara Lee Branded Apparel. Specifically, the State reports that the workers wages were reported under the Federal Employment Identification Number (FEIN) for Sara Lee Corporation, Trading As L'eggs Products Marion Plant.

Accordingly, the Department is amending the certification to include workers whose wages were reported under the FEIN for Sara Lee.

The amended notice applicable to TA-W-60,266 is hereby issued as follows:

All workers of Hanesbrands, Inc., formerly known as Sara Lee Corporation, Trading as L'eggs Products Marion Plant, Marion, South Carolina, who became totally or partially separated from employment on or after October 13, 2005 through November 7, 2008, 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 1st day of December, 2006.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-21254 Filed 12-13-06; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,446]

#### Hercules Incorporation, Aqualon Division, Parlin, NJ; Notice of Termination of Investigation

On August 23, 2006, the U.S. Court of International Trade (USCIT) granted the Department of Labor's consent motion for voluntary remand in *Former Employees of Hercules Incorporation v. United States*, Court No. 05-00602.

On June 24, 2005, a duly authorized representative for the State of New Jersey filed a petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) on behalf of workers and former workers of Hercules, Parlin, New Jersey (subject facility) producing nitrocellulose (subject worker group). AR 1.

Following an investigation, the Department of Labor (Department) issued a negative determination regarding the subject worker group's eligibility to apply for TAA and ATAA on July 20, 2005. AR 24. The Department's Notice of determination was published in the **Federal Register** on August 26, 2005 (70 FR 50411). AR 31.

During the investigation, the Department found that the subject facility produces not nitrocellulose but natrosol and that Hercules, Inc. (subject firm) did not separate or threaten to separate a significant number or proportion of workers as required by the Trade Act of 1974. AR 24.

In a letter dated August 11, 2005, a representative of the International Union of Operating Engineers, Local 68, (Union) requested administrative reconsideration by the Department. The Union stated that they represent "7 Power plant employees" and alleged that the "Power House" workers produce steam used in the production of natrosol and nitrocellulose. The Union inferred that the subject workers are eligible to apply for TAA as workers of a secondarily-affected company, asserting that the Power House supplied

a component part to Green Tree Chemical Technologies (Green Tree), which was TAA-certified on January 16, 2004 (TA-W-53,831), and that the workers' separations occurred because "Green Tree ceased production of Nitrocellulose in November of 2003." The Union also stated that "if it wasn't for the Nitrocellulose business going out of business, the larger power house would have been left and employees would all stay working." The subject firm's new power house "would only require 5 of the 12 people already employed." AR 32, 33.

The Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration on August 19, 2005. AR 36. The Department's Notice was published in the **Federal Register** on September 1, 2005 (70 FR 52131). AR 44.

Following the reconsideration investigation, the Department issued a Notice of Negative Determination on Reconsideration on September 13, 2005. AR 42. The Department's Notice of Determination on Reconsideration was published in the **Federal Register** on September 28, 2005 (70 FR 56741). SAR 1. In the reconsideration investigation, the Department found that steam produced by the Power House was used in the production of natrosol and sold to a TAA-certified company. The Department also found that the sale of steam to the TAA-certified company ceased in 2003, prior to the relevant period. As such, the subject workers were not certified for TAA. AR 42.

In a letter dated November 1, 2005 to the USCIT, the Union requested judicial review, stating that "all Hercules employees prior to 6/2000 and all of Green Tree employees which lost there (sic) jobs had gotten the TAA benefits." SAR 2. In response to the complaint, the Department filed an administrative record.

In a July 27, 2006 letter to U.S. Department of Justice (Justice) counsel, Plaintiff's counsel provided Justice with a copy of an order of the Superior Court of New Jersey, Middlesex County, filed November 21, 2003. SAR 5-12. Plaintiff's counsel asserts that the Department's conclusions are inconsistent with facts reflected in the AR and the Superior Court of New Jersey order, and that the Department's secondarily-affected analysis was inappropriate. SAR 6.

Because the Department was previously unaware of the Superior Court of New Jersey order and is obligated to issue its determinations based on a thorough analysis for all available and facts, the Department requested voluntary remand.

Nitrocellulose is a highly-flammable chemical compound powder that is formed from nitric acid and cellulose. Common uses for nitrocellulose are gunpowder and magician's "flash paper" (sheets of paper that burn almost instantly with a bright flash and leave no ash). Because of its applications, it is also commonly known as guncotton. Unless the nitrocellulose is wet, it will self-explode. SAR 26-32.

Due to the volatile nature of the chemical compound, steam is an important part of the nitrocellulose production process. Steam is used to keep nitrocellulose wet, thus stable. Steam is not a component part of nitrocellulose but is used in the production process. For example, heat is used to bake cookies but is not a component part of the cookie, and the workers who create the heat are considered to be engaged in the production of cookies. Likewise, steam is used to produce nitrocellulose but is not considered a component part of nitrocellulose, and the workers who create steam are considered to be engaged in the production of nitrocellulose. Steam is generated from a power house.

For purposes of the Trade Act, the relevant period is from one year prior to the petition date (June 24, 2005) through the date the initial determination was issued (July 20, 2005). Therefore, the relevant period is June 24, 2004 through July 20, 2005. While events and facts that fall outside the relevant period may not be used as a basis for TAA certification, they may be used to provide context for the remand investigation.

During the remand investigation, the Department spoke to the former owner of Green Tree, SAR 33, and Hercules company officials. SAR 14, 34, 35. The purposes of the conversations are to gather information in order to determine the subject workers' eligibility to apply for TAA and to reconcile factual discrepancies.

According to the former owner of Green Tree, Green Tree purchased from Hercules the nitrocellulose line at the Parlin, New Jersey location. Under the agreement, Green Tree would rent the land from Hercules and purchase the buildings (including the Power House), machines, and equipment from Hercules. The former owner also stated that that nitrocellulose production ceased at Green Tree in November 2003 but some workers stayed on-site during the plant closure (including cleaning, fire safety, and power house staff). The company official also explained that that steam was produced throughout the shut-down process because it was