

(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 determination of the TAA petition filed on behalf of workers at Specialty Chemicals, Inc., Franklin, Virginia, was based on the finding that there was no shift/acquisition of production of precipitated calcium carbonate from the subject firm to a foreign country; nor was there any increase in imports of articles like or directly competitive with precipitated calcium carbonate produced at the subject facility; nor was the component part produced by the subject firm (precipitated calcium carbonate) directly incorporated into a firm's production of an article that was the basis of a primary TAA certification.

The company official's request for reconsideration stated that the workers of the subject firm should be eligible for TAA because "our customer, International Paper (IP) Franklin, Virginia is certified as a Primary Producer (see TA-W-70,243). The date of the certification is still within the relevant period for the separations for which benefits are sought." The company official asserts that workers of the subject firm are eligible to apply for TAA as adversely affected secondary workers.

The initial investigation revealed that there are two International Paper Company facilities in Franklin, Virginia, that employed workers who are eligible to apply for TAA. Workers at International Paper Company (Lumber Plant) Franklin, Virginia were certified as adversely affected primary workers (TA-W-70,243) and workers at International Paper Company, Franklin Pulp and Paper Mill, Franklin, Virginia were certified as adversely affected secondary workers (TA-W-72,764).

The Department believes that the company official misidentified the petition number of International Paper Company, Franklin Pulp and Paper Mill, Franklin, Virginia because, during the initial investigation, the company official confirmed that precipitated calcium carbonate was incorporated into the paper produced by International Paper Company, Franklin Pulp and Paper Mill, Franklin, Virginia and International Paper Company confirmed that the subject firm supplied

precipitated calcium carbonate to International Paper Company, Franklin Pulp and Paper Mill, Franklin, Virginia.

The worker's request for reconsideration stated that the subject firm is a "supplier/downstream producer" to "International Paper" and "closed down as a direct result of what happened at the Franklin paper mill." The Department determines that International Paper Company, Franklin Pulp and Paper Mill, Franklin, Virginia is the "Franklin paper mill."

Section 222(c) of the Trade Act of 1974, as amended, states that adversely affected secondary workers must be employed by a firm that is a supplier to a firm that employed a worker group who are adversely affected primary workers. Therefore, the supply of precipitated calcium carbonate to International Paper Company, Franklin Pulp and Paper Mill, Franklin, Virginia cannot be a basis for certification for workers of the subject firm.

The petitioners 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.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 19th day of August, 2010.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2010-21392 Filed 8-27-10; 8:45 am]

**BILLING CODE 4510-FN-P**

#### MILLENNIUM CHALLENGE CORPORATION

[MCC FR 10-08]

#### Notice of the September 15, 2010, Millennium Challenge Corporation Board of Directors Meeting; Sunshine Act Meeting

**AGENCY:** Millennium Challenge Corporation.

**TIME AND DATE:** 10 a.m. to 12 p.m., Wednesday, September 15, 2010.

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

#### FOR FURTHER INFORMATION CONTACT:

Information on the meeting may be obtained from Melvin F. Williams, Jr., VP/General Counsel and Corporate Secretary via e-mail at [corporatesecretary@mcc.gov](mailto:corporatesecretary@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 approval of the Jordan Compact; approval of the Selection Criteria & Methodology Report; Compact Development and Portfolio Update; Threshold Program Review Update; and certain administrative matters. The agenda items are expected to involve the consideration of classified information and the meeting will be closed to the public.

Dated: August 26, 2010.

**Melvin F. Williams, Jr.,**

*VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.*

[FR Doc. 2010-21748 Filed 8-26-10; 4:15 pm]

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#### MILLENNIUM CHALLENGE CORPORATION

[MCC FR 10-07]

#### Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2011 and Countries That Would Be Candidates But For Legal Prohibitions

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** Section 608(d) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are "candidate countries" for Millennium Challenge Account assistance during FY 2011. The report is set forth in full below.

Dated: August 25, 2010.

**Melvin F. Williams, Jr.,**

*Vice President/General Counsel and  
Corporate Secretary, Millennium Challenge  
Corporation.*

**Report on Countries That Are  
Candidates for Millennium Challenge  
Account Eligibility for Fiscal Year 2011  
and Countries That Would Be  
Candidates but for Legal Prohibitions**

*Summary*

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the "Act").

The Act authorizes the provision of Millennium Challenge Account (MCA) assistance for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and poverty reduction. The Act requires the Millennium Challenge Corporation (MCC) to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including (a) determining the countries that will be eligible for MCA assistance for fiscal year 2011 (FY11) based on a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; and (b) considering the opportunity to reduce poverty and generate economic growth in the country. These steps include the submission of reports to the congressional committees specified in the Act and the publication of notices in the **Federal Register** that identify:

(1) The countries that are "candidate countries" for MCA assistance for FY11 based on per capita income levels and eligibility to receive assistance under U.S. law, and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

(2) The criteria and methodology that the MCC Board of Directors (Board) will use to measure and evaluate the policy performance of the "candidate countries" consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine "MCA eligible countries" from among the "candidate countries" (section 608(b) of the Act); and

(3) The list of countries determined by the Board to be "MCA eligible countries" for FY11, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility

determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

*Candidate Countries for FY11*

The Act requires the identification of all countries that are candidates for MCA assistance for FY11 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Sections 606(a) and (b) of the Act provide that for FY11 a country shall be a candidate for MCA assistance if it:

- Meets one of the following two income tests:
  - Has a per capita income equal to or less than the historical ceiling of the International Development Association eligibility for the fiscal year involved (or \$1,905 gross national income (GNI) per capita for FY11) (the "low income category"); or
  - Is classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved (or \$1,906 to \$3,945 GNI per capita for FY11) (the "lower middle income category"); and
- Is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended, (the "Foreign Assistance Act"), by reason of the application of the Foreign Assistance Act or any other provision of law.

Pursuant to section 606(c) of the Act, the Board has identified the following countries as candidate countries under the Act for FY11. In so doing, the Board has anticipated that prohibitions against assistance as applied to countries in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, Pub. L. 111-117) (the "FY10 SFOAA"), will again apply for FY11, even though the Department of State, Foreign Operations, and Related Programs Appropriations Act for FY11 has not yet been enacted and certain findings under other statutes have not yet been made. As noted below, MCC will provide any required updates on subsequent changes in applicable legislation or other circumstances that affect the status of any country as a candidate country for FY11.

*Candidate Countries: Low Income Category*

1. Afghanistan
2. Bangladesh
3. Benin
4. Bolivia
5. Burkina Faso
6. Burundi
7. Cambodia
8. Cameroon
9. Central African Republic
10. Chad
11. Comoros
12. Congo, Republic of the
13. Dem. Republic of the Congo
14. Djibouti
15. Ethiopia
16. Gambia, The
17. Ghana
18. Guinea
19. Guinea Bissau
20. Guyana
21. Haiti
22. Honduras
23. India
24. Kenya
25. Kiribati
26. Kyrgyz Republic
27. Lao PDR
28. Lesotho
29. Liberia
30. Malawi
31. Mali
32. Mauritania
33. Moldova
34. Mongolia
35. Mozambique
36. Nepal
37. Nicaragua
38. Niger
39. Nigeria
40. Pakistan
41. Papua New Guinea
42. Philippines
43. Rwanda
44. Sao Tome and Principe
45. Senegal
46. Sierra Leone
47. Solomon Islands
48. Somalia
49. Tajikistan
50. Tanzania
51. Togo
52. Uganda
53. Vietnam
54. Yemen
55. Zambia

*Candidate Countries: Lower Middle Income Category*

1. Angola
2. Armenia
3. Belize
4. Bhutan
5. Cape Verde
6. Ecuador
7. Egypt, Arab Republic
8. El Salvador

9. Georgia
10. Guatemala
11. Indonesia
12. Jordan
13. Kosovo
14. Maldives
15. Marshall Islands
16. Micronesia, Fed. Sts.
17. Morocco
18. Paraguay
19. Samoa
20. Sri Lanka
21. Swaziland
22. Thailand
23. Timor-Leste
24. Tonga
25. Tunisia
26. Turkmenistan
27. Tuvalu
28. Ukraine
29. Vanuatu

*Countries That Would Be Candidate Countries but for Legal Prohibitions That Prohibit Assistance*

Countries that would be considered candidate countries for FY11, but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law, are listed below. As noted above, this list is based on legal prohibitions against economic assistance that apply for fiscal year 2010 and that are anticipated to apply again for FY11.

*Prohibited Countries: Low Income Category*

1. Burma is subject to numerous restrictions, including section 570 of the fiscal year 1997 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. 104–208), which prohibits assistance to the government of Burma until it makes progress on improving human rights and implementing democratic government, and due to its status as a major drug-transit or major illicit drug producing country for 2009 (Presidential Determination No. 2009–30 (9/15/2009)).

2. Cote d'Ivoire is subject to section 7008 of the FY10 SFOAA and similar provisions of prior-year appropriations acts, which prohibit assistance to the government of a country whose duly elected head of government is deposed by military coup or decree. Cote d'Ivoire is also subject to section 7086(c) of the FY10 SFOAA, which restricts economic and security assistance under the SFOAA for the central government of a country that fails to make its annual national budget publicly available.

3. Eritrea is subject to restrictions due to its status as a Tier III country under

the Trafficking Victims Protection Act, as amended, 22 U.S.C. sections 7101 *et seq.*

4. Madagascar is subject to section 7008 of the FY10 SFOAA, which prohibits assistance to the government of a country whose duly elected head of government is deposed by military coup or decree and also section 7086(c) of the FY10 SFOAA regarding budget transparency.

5. North Korea is subject to numerous restrictions, including section 7007 of the FY10 SFOAA, which prohibits any direct assistance to the government.

6. Sudan is subject to numerous restrictions, including section 620A of the Foreign Assistance Act, which prohibits assistance to governments supporting international terrorism; section 7012 of the FY10 SFOAA and section 620(q) of the Foreign Assistance Act, both of which prohibit assistance to countries in default on payment to the U.S. in certain circumstances; section 7008 of the FY10 SFOAA, which prohibits assistance to the government of a country whose duly elected head of government is deposed by military coup or decree; and section 7070(f) of the FY10 SFOAA.

7. Uzbekistan's central government is subject to section 7076(a) of the fiscal year 2009 SFOAA, which is largely incorporated by reference and carried forward by section 7075 of the FY10 SFOAA. This restriction states that funds (other than expanded international military education and training funds) may be made available for assistance to the central government of Uzbekistan only if the Secretary of State determines and reports to the Congress that the government is making substantial and continuing progress in meeting its commitments under a framework agreement with the United States.

8. Zimbabwe is subject to several restrictions, including section 7070(i)(2) of the FY10 SFOAA, which prohibits assistance (except for macroeconomic growth assistance) to the central government of Zimbabwe unless the Secretary of State determines and reports to Congress that the rule of law has been restored in Zimbabwe.

*Prohibited Countries: Lower Middle Income Category*

1. China is not eligible to receive economic assistance from the United States, absent special authority, because of concerns relating to China's record on human rights.

2. Iraq is subject to section 620(t) of the Foreign Assistance Act, which prohibits assistance to any country which has severed diplomatic relations

with the United States until such diplomatic relations are restored and an agreement to furnish such assistance has been negotiated and entered into after the resumption of diplomatic relations.

3. Syria is subject to numerous restrictions, including 620A of the Foreign Assistance Act, which prohibits assistance to governments supporting international terrorism; section 7007 of the FY10 SFOAA, which prohibits direct assistance; and section 7012 of the FY10 SFOAA and section 620(q) of the Foreign Assistance Act, both of which prohibit assistance to countries in default in payment to the U.S. in certain circumstances.

The countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions, determinations, or changed country circumstances that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY11. MCC will include any required updates on such statutory eligibility that affect countries' identification as candidate countries for FY11, at such time as it publishes the notices required by sections 608(b) and 608(d) of the Act, or at other appropriate times. Any such updates with regard to the eligibility or ineligibility of particular countries identified in this report will not affect the date on which the Board is authorized to determine eligible countries from among candidate countries which, in accordance with section 608(a) of the Act, shall be no sooner than 90 days from the date of publication of this report.

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**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency proposes to reinstate use of a voluntary survey of visitors to the Public Vaults, which is part of the National Archives Experience in Washington, DC. The information will be used to determine how the various