Signed at Washington, DC, November 15, 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–19792 Filed 11–22–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Modine Manufacturing, Blythewood, SC; Notice of Affirmative Determination Regarding Application for Reconsideration

By application postmarked October 31, 2006, a worker requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers and former workers of the subject firm. The determination was issued on October 12, 2006. On October 25, 2006, the Department's Notice of determination was published in the **Federal Register** (71 FR 62490).

The negative determination was based on the Department's findings that the subject firm did not shift production abroad during the relevant period, that subject firm sales increased from 2004 to 2005 while production remained constant, and that there were no decline in either sales or production in January through August 2006 compared to the same period in 2005.

In the request for reconsideration, the worker provided additional information regarding the subject firm's closure (July 20, 2006 WARN letter: ''It is anticipated that the plant closing will commence on September 15 2006 and will continue into 2007'').

The Department has carefully reviewed the request for reconsideration and has determined that the Department will conduct further investigation.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Dated: November 16, 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–19796 Filed 11–22–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–59,884]

Rexnord Industries, LLC, Industrial Chain and Conveyor Division, Milwaukee, WI; Notice of Revised Determination on Reconsideration of Alternative Trade Adjustment Assistance

By letter dated October 18, 2006, United Steelworkers Local 1527 AFL–CIO requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on September 7, 2006, and was published in the **Federal Register** on September 21, 2006 (71 FR 55218).

The workers of Rexnord Industries, LLC, Industrial Chain and Conveyor Division, Milwaukee, Wisconsin, were certified eligible to apply for Trade Adjustment Assistance (TAA) on September 7, 2006.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

In the request for reconsideration, the petitioner provided sufficient information confirming that the skills of the workers at the subject firm are not easily transferable in the local commuting area.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age 50 years or over. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of Rexnord Industries, LLC, Industrial Chain and Conveyor Division, Milwaukee, Wisconsin, who became totally or partially separated from employment on or after July 20, 2005 through September 7, 2008, are eligible to apply for trade 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, November 14, 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–19795 Filed 11–22–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Rodman Industries, Marinette, WI; Notice of Negative Determination Regarding Application for Reconsideration

By application dated September 12, 2006 and by application dated September 18, a company official and United Steelworkers 12–14A, District 2, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA), applicable to workers and former workers of the subject firm. The denial notice was signed on August 16, 2006 and published in the **Federal Register** on September 6, 2006 (71 FR 52584).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Rodman Industries, Marinette, Wisconsin was denied because criteria (a)(2)(A)(I.B) and (a)(2)(B)(II.B) were not met. The negative determination was based on the findings that sales and production of particle board by the subject firm increased from 2004 to 2005 and from January through June of 2006 when compared with the same period in 2005. The subject firm did not shift production to a foreign country during the relevant period.

The petitioner provided additional information in the request for reconsideration. Review of the original investigation indicated that the subject facility ceased its production of particle board on August 14, 2006. Therefore, sales and production at the subject firm

decreased absolutely during the relevant time period.

The Department conducted a survey of the subject firm's major customers regarding their purchases of particle board and like or directly competitive products to particle board during the relevant time period. The survey revealed that none of respondents imported particle board and like or directly competitive products to particle board during the relevant time period. The investigation also revealed that the subject firm did not increase imports of particle board and there was no shift in production of particle board to a foreign country during the relevant time period.

In order for the Department to issue a certification of eligibility to apply for ATAA, the worker group must be certified eligible to apply for TAA. Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Rodman Industries, Marinette, Wisconsin.

Signed at Washington, DC, November 15, 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–19793 Filed 11–22–06; 8:45 am]

BILLING CODE 4510–30–P

NATIONAL CAPITAL PLANNING COMMISSION

No FEAR Act Notice

AGENCY: National Capital Planning Commission.

ACTION: Notice.

SUMMARY: The National Capital Planning Commission is publishing this notice under the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,'' which is known as the No FEAR Act, to inform current employees, former employees, and applicants for NCPC employment of the rights and protections available to them under Federal antidiscrimination, whistleblower protection and retaliation laws.

FOR FURTHER INFORMATION CONTACT: Lois Schiffer, General Counsel, National Capital Planning Commission, 401 9th Street, NW., North Lobby 5th Floor, Washington, DC 20004; telephone: 202–482–7200; Fax: 202–482–7272. The e-mail contact is: *Lois.Schiffer@ncpc.gov* (for e-mail messages, the subject line should include the reference ''No FEAR Act Notice''). A copy of this No FEAR Act Notice will be posted on NCPC's Web site, *http://ww.ncpc.gov* on November 17, 2006. Persons who cannot access this No FEAR Act Notice through the Internet may request a paper or electronic copy by contacting Ms. Schiffer at the address, telephone numbers, e-mail address, or fax number listed above.

SUPPLEMENTARY INFORMATION: On May 15, 2002, Congress enacted the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,'' which is now known as the No FEAR Act. One purpose of the Act is to ''require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.'' Public Law 107–174, Summary. In support of this purpose, Congress found that ''agencies cannot be run effectively if those agencies practice or tolerate discrimination.'' Public Law 107–174, Title I, General Provisions, section 101(1).

The Act also requires this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform you of the rights and protections available to you under Federal antidiscrimination and whistleblower protection laws.

Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e–16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, *e.g.*, 29 CFR 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) at 1730 M Street, NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site: *http://www.osc.gov.* In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC–11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site: *http://www.osc.gov.*

Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.