

(2) The Fiscal Agent;  
 (3) The Selling Agent;  
 (4) The Trustee;  
 (5) The Central Servicing Agent;  
 (6) Any Obligor with respect to loans relating to Debentures included in the Trust constituting more than 5 percent of the aggregate unamortized principal balance of the assets in the Trust, determined on the date of the initial issuance of Certificates by the Trust;

(7) The SBA; or  
 (8) Any affiliate of a person described in (1)–(7) above.

N. “Affiliate” of another person includes:

(1) Any person, directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with such other person;

(2) Any officer, director, partner, employee, relative (as defined in section 3(15) of the Act), brother, sister, or spouse of a brother or sister of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

O. “Control” means the power to exercise a controlling influence over the management or policies of a person other than an individual.

P. A person will be “independent” of another person only if:

(1) Such person is not an affiliate of that other person; and

(2) The other person, or an affiliate thereof, is not a fiduciary that has investment management authority or renders investment advice with respect to assets of such person.

Q. “Sale” includes the entrance into a Forward Delivery Commitment, provided:

(1) The terms of the Forward Delivery Commitment (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm’s-length transaction with an unrelated party;

(2) The offering circular or other disclosure document is provided to an investing plan prior to the time the plan enters into the Forward Delivery Commitment; and

(3) At the time of the delivery, all conditions of this exemption applicable to Sales are met.

R. “Forward Delivery Commitment” means a contract for the purchase or sale of one or more Certificates to be delivered at an agreed future settlement date. The term includes both mandatory contracts (which contemplate obligatory delivery and acceptance of the Certificates) and optional contracts (which give one party the right but not the obligation to deliver Certificates to,

or demand delivery of Certificates from, the other party).

S. “Trust Agreement” means that trust agreement by and among the SBA, the Fiscal Agent and the Trustee, as amended, establishing the Trust and, with respect to each Series of Certificates, the supplement to the trust agreement pertaining to such Series.

T. “Series” means any particular series of Certificates issued pursuant to the Trust Agreement that, in the aggregate, represent the entire beneficial interest in a discrete pool of Debentures held by the Trustee pursuant to the Trust Agreement.

For a more complete statement of the facts and representations supporting the Department’s decision to grant this amendment, refer to the notice of proposed exemption published on September 27, 2006 at 71 FR 56563.

#### FOR FURTHER INFORMATION CONTACT:

Wendy McColough of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 20th day of November, 2006.

**Ivan Strasfeld,**

*Director of Exemption Determinations,  
 Employee Benefits Security Administration,  
 U.S. Department of Labor.*

[FR Doc. E6–19827 Filed 11–22–06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA–W–60,126]

#### **Michelin North America Inc., BF Goodrich Tire Manufacturing, Opelika, AL; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application dated November 1, 2006, a company official 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 19, 2006. On November 6, 2006, the Department’s Notice of determination was published in the **Federal Register** (71 FR 65004).

The negative determination was based on the Department’s finding that the subject firm did not separate or threaten to separate a significant number or proportion of workers as required by the Trade Act of 1974. A significant number or proportion of the workers in a firm or appropriate subdivision means at least three workers in a workforce of fewer than 50 workers, five percent of the workers in a workforce of over 50 workers, or at least 50 workers.

In the request for reconsideration, the company official provided additional information regarding worker separations.

The Department has carefully reviewed the company’s 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.

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]

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## 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]

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## 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]

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## 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