

TAA (TA-W-74,823 through TA-W-74,823G issued on November 22, 2010; TA-W-75,165 issued on February 28, 2011; TA-W-74,396 through TA-W-74,396C issued on December 29, 2010; and TA-W-74,149 through TA-W-74,149A issued on June 30, 2010).

Pursuant to 29 CFR 90.18(c), administrative 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.

After the Act as amended in 2009 expired in February 2011, petitions for TAA were instituted under the Act as amended in 2002 (Trade Act of 2002). Because the immediate petition was instituted on August 5, 2011, the applicable statute is the Trade Act of 2002.

Section 222 of the Trade Act of 2002 establishes the worker group eligibility requirements. The requirements include either "imports of articles like or directly competitive with articles produced by such firm or subdivision have increased" or "a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision."

The request for reconsideration asserts that workers separated at The Hartford Financial Services, Inc., Hartford, Connecticut facility are similar to workers covered by "other locations of The Hartford Financial Services, Inc. that have been approved."

The certifications for TA-W-74,823 and TA-W-75,165 were issued based on the Department's findings that the workers' firm supplied a service and that the firm acquired these services from a foreign country. The acquisition of services that was the basis for certification under the Act as amended in 2009 cannot be the basis for certification under the Trade Act of 2002 because the two statutes have different worker group eligibility criteria.

After careful review of the request for reconsideration, previously submitted materials, the applicable statute, and relevant regulation, the Department determines that there is no new information, mistake in fact, or

misinterpretation of the facts or of the law.

### 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 at Washington, DC, this 14th day of September 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011-24470 Filed 9-22-11; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-80,147]

#### **Travelers Insurance, a Subsidiary of the Travelers Indemnity Company, Personal Insurance Division, Account Processing/Underwriting, Syracuse, NY; Notice of Negative Determination Regarding Application for Reconsideration**

By application received July 18, 2011, a worker requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of Travelers Insurance, a subsidiary of Travelers Insurance, a Subsidiary of The Travelers Indemnity Company, Personal Insurance Division, Account Processing/Underwriting, Syracuse, New York (subject firm).

The negative determination was issued on June 29, 2011. The Department's Notice of determination was published in the **Federal Register** on July 29, 2011 (76 FR 43351). Workers of the subject firm are engaged in activities related to the supply of account and underwriting processing services for Traveler's Insurance.

In the request for reconsideration, the worker asserts that "we were under the impression that our petition \* \* \* could be merged or added as a supplemental to the Knoxville office petition (#75232)."

On August 31, 2011, the Department issued an amended certification applicable to workers and former workers of The Travelers Indemnity Company, a wholly-owned subsidiary of The Travelers Companies, Inc., Personal

Insurance Division, Customer Sales and Service Business Unit, Account Processing/Underwriting Unit, including teleworkers located throughout the United States reporting to, Syracuse, New York (TA-W-75,232A). The Notice of amended certification was published in the **Federal Register** on September 14, 2011 (76 FR 56819).

The Department has reviewed the application for reconsideration, the afore-mentioned amended certification, and the record, and has determined that the petitioning worker group covered under TA-W-80,147 is eligible to apply for Trade Adjustment Assistance under TA-W-75,232A. As such, the Department determines that a reconsideration investigation would serve no purpose.

### 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 at Washington, DC this 15th day of September, 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2011-24480 Filed 9-22-11; 8:45 am]

**BILLING CODE 4510-FN-P**

## MERIT SYSTEMS PROTECTION BOARD

### Notice of Opportunity To File Amicus Briefs

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

### Overview Information

Merit Systems Protection Board (MSPB or Board) Provides Notice of Opportunity To File Amicus Briefs in the Matters of *Corry B. McGriff v. Department of the Navy*, MSPB Docket Number DC-0752-09-0816-I-1; *Alexander Buelna v. Department of Homeland Security*, MSPB Docket Number DA-0752-09-0404-I-1; *Joseph Gargiulo v. Department of Homeland Security*, MSPB Docket Number SF-0752-09-0370-I-1; and *John Gaitan v. Department of Homeland Security*, DA-0752-10-0202-I-1.

**SUMMARY:** These cases involve employees who were required to have security clearances and were

indefinitely suspended from their positions pending determinations concerning whether their security clearances should be revoked. The Board has recognized that, under certain circumstances, an agency may indefinitely suspend an employee based upon the suspension of access to classified information or pending the agency's investigation regarding that access, where the access is a condition of employment. *See, e.g., Gonzalez v. Department of Homeland Security*, 114 M.S.P.R. 318, ¶ 13 (2010); *Jones v. Department of the Navy*, 48 M.S.P.R. 680, 682, 689, aff'd as modified on recons., 51 M.S.P.R. 607 (1991), aff'd, 978 F.2d 1223 (Fed. Cir. 1992). On appeal of such an action, the Board lacks the authority to review the merits of the agency's decision to suspend an employee's access to classified material. *Department of the Navy v. Egan*, 484 U.S. 518, 530–31 (1988).

The Board may determine, however, whether the agency afforded an employee minimum due process with respect to the employee's constitutionally protected property interest in employment. *See, e.g., Johnson v. Department of the Navy*, 62 M.S.P.R. 487, 490–91 (1994); *Kriner v. Department of the Navy*, 61 M.S.P.R. 526, 531–35 (1994). In *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 546 (1985), the Court held that an agency's failure to provide a tenured public employee with an opportunity to present a response, either in person or in writing, to an appealable agency action that deprives him of his property right in his employment constitutes an abridgement of his constitutional right to minimum due process of law, *i.e.*, prior notice and an opportunity to respond. In *Gilbert v. Homar*, 520 U.S. 924 (1997), the Court explained, in a case involving the suspension of a state employee, how its due process analysis would apply to discipline short of termination.

The Board may also review whether the agency provided the employee with the procedural protections set forth in 5 U.S.C. 7513 in taking an action. *Egan*, 484 U.S. at 530; *see also Cheney v. Department of Justice*, 479 F.3d 1343, 1344–45 (Fed. Cir. 2007); *King v. Alston*, 75 F.3d 657, 661–63 (Fed. Cir. 1996). The Board applies a harmful error analysis in considering statutory violations. *See, e.g., Ward v. U.S. Postal Service*, 634 F.3d 1274, 1282 (Fed. Cir. 2011); *Handy v. U.S. Postal Service*, 754 F.3d 335, 337–38 (Fed. Cir. 1985).

The cases thus present the following legal issues: (1) Should the Board apply the balancing test set forth in *Homar*, 520 U.S. 924, in determining whether an

agency violates an employee's constitutional right to due process in indefinitely suspending him or her pending a security clearance determination; (2) If so, does that right include the right to have a deciding official who has the authority to change the outcome of the proposed indefinite suspension; (3) If the Board finds that an agency did not violate an employee's constitutional right to due process in this regard, how should the Board analyze whether the agency committed harmful procedural error in light of the restrictions set forth in *Egan*, 484 U.S. 518, on the Board's authority to analyze the merits of an agency's security clearance determination.

Interested parties may submit amicus briefs or other comments on these issues no later than October 19, 2011. Amicus briefs must be filed with the Clerk of the Board. Briefs shall not exceed 30 pages in length. The text shall be double-spaced, except for quotations and footnotes, and the briefs shall be on 8½ by 11 inch paper with one inch margins on all four sides.

**DATES:** All briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before October 19, 2011.

**ADDRESSES:** All briefs shall be captioned with the names of the parties and entitled "Amicus Brief." Only one copy of the brief need be submitted. Briefs must be filed with the Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419.

**FOR FURTHER INFORMATION CONTACT:** Matthew Shannon, Merit Systems Protection Board, Office of the Clerk of the Board, 1615 M Street, NW., Washington, DC 20419; (202) 653-7200; [mspb@mspb.gov](mailto:mspb@mspb.gov).

**William D. Spencer,**  
Clerk of the Board.

[FR Doc. 2011-24439 Filed 9-22-11; 8:45 am]

**BILLING CODE 7400-01-P**

## **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**[Notice (11-083)]**

### **NASA Advisory Council; Science Committee; Astrophysics Subcommittee; Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National

Aeronautics and Space Administration (NASA) announces a meeting of the Astrophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The Meeting will be held for the purpose of soliciting from the scientific community and other persons scientific and technical information relevant to program planning.

**DATES:** Wednesday, October 19, 2011, 8:30 a.m. to 5:30 p.m., and Thursday, October 20, 2011, 8:30 a.m. to 4 p.m., local time.

**ADDRESSES:** NASA Headquarters, 300 E Street, SW., Rooms 9H40 and 7H45, respectively, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-4452, fax (202) 358-4118, or [mnorris@nasa.gov](mailto:mnorris@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and by WebEx. Any interested person may call the USA toll free conference call number 800-369-2152, pass code APS, to participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com>, meeting number on October 19 is 998 444 941, and password APS@October192011; the meeting number on October 20 is 998 679 930, and password APS@October202011. The agenda for the meeting includes the following topics: —Astrophysics Division Update. —James Webb Space Telescope Follow-Up. —Wide Field Infrared Space Telescope, Science Definition Team. —Physics of the Cosmos/Cosmic Origins/Exoplanet Program Analysis Group.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide a copy of their passport, visa, or green card in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date);