

system rules and procedures for the effective and proper operation of the Interstate Identification Index system.

Matters for discussion are expected to include:

- (1) Draft of Noncriminal Justice Outsourcing Rule and Security and Management Outsourcing Standard;
- (2) Draft of National Fingerprint File Rule; and
- (3) Report on the National Fingerprint-Based Applicant Check Study.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Compact Council or wishing to address this session of the Compact Council should notify Mr. Todd C. Commadore at (304) 625-2803, at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. Requestors will ordinarily be allowed up to 15 minutes to present a topic.

DATES AND TIMES: The Compact Council will meet in open session from 9 a.m. until 5 p.m., on May 18-19, 2004.

ADDRESSES: The meeting will take place at the Sheraton Minneapolis West, 12201 Ridgedale Drive, Minnetonka, Minnesota, telephone (952) 593-0000.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mr. Todd C. Commadore, FBI Compact Officer, Compact Council Office, Module C3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0148, telephone (304) 625-2803, facsimile (304) 625-5388.

Dated: April 5, 2004.

Monte C. Strait,

Section Chief, Programs Development Section, Criminal Justice Information Services Division, Federal Bureau of Investigation.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,918]

BMC Software, Inc., Houston, TX; Notice of Negative Determination Regarding Application for Reconsideration

By application of February 9, 2004, a petitioner requested administrative

reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of BMC Software, Inc., Houston, Texas was signed on January 20, 2004, and published in the **Federal Register** on March 12, 2004 (69 FR 11888).

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 misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at BMC Software, Inc., Houston, Texas engaged in design and development of software. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner contends that the Department erred in its interpretation of work performed at the subject facility as a service. As proof, the petitioner submitted three URL locations of the BMC Web site which contain references to BMC products and product lines. The petitioner emphasizes that because the Web site uses the word "product" in regards to BMC software, the Department should consider workers of BMC Software, Inc. as production workers.

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that workers of BMC Software, Inc., Houston, Texas are software developers. The official further clarified that software developed at the subject firm is not mass-produced on media devices and is not sold off-the-shelf. The developers mostly customize software for individual users and provide services to support the software. The company official further stated that due to significant restructuring actions to reduce ongoing operational expenses, BMC Software, Inc. implemented large reduction of worldwide workforce, which included some of the workers of the subject firm.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance,

but rather only whether they produced an article within the meaning of section 222 of the Trade Act of 1974.

Software design and developing are not considered production of an article within the meaning of section 222 of the Trade Act. Petitioning workers do not produce an "article" within the meaning of the Trade Act of 1974. Formatted electronic software and codes are not tangible commodities, that is, marketable products, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), as classified by the United States International Trade Commission (USITC), Office of Tariff Affairs and Trade Agreements, which describes articles imported to the United States.

To be listed in the HTS, an article would be subject to a duty on the tariff schedule and have a value that makes it marketable, fungible and interchangeable for commercial purposes. Although a wide variety of tangible products are described as articles and characterized as dutiable in the HTS, informational products that could historically be sent in letter form and that can currently be electronically transmitted, are not listed in the HTS. Such products are not the type of products that customs officials inspect and that the TAA program was generally designed to address.

The petitioner also alleges that imports impacted layoffs, asserting that because workers lost their jobs due to a transfer of job functions overseas, petitioning workers should be considered import impacted.

The petitioning worker group is not considered to have been engaged in production, thus any foreign transfer of their job duties is irrelevant within the context of eligibility for trade adjustment assistance.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA. The investigation revealed no such affiliations.

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 31st day of March, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-860 Filed 4-15-04; 8:45 am]

BILLING CODE 4510-13-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,291B; TA-W-53,291D; and TA-W-53,291E]

Cone Mills Corporation, Cone White Oak, LLC, Division and Corporate Headquarters, Greensboro, NC, Including Sales and Marketing Employees of Cone Mills Corporation Corporate Headquarters Operating at Various Locations in the States of: New York and Virginia; 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) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 3, 2003, applicable to workers of Cone Mills Corporation, Cone White Oak, LLC Division and Corporate Headquarters, Greensboro, North Carolina. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations have occurred involving employees of the Greensboro, North Carolina facility of Cone Corporation, Corporate Headquarters operating at various locations in the States of New York and Virginia. These employees provide sales and marketing support function services for the production of textile prints and finished denim produced by the subject firm.

Based on these findings, the Department is amending this certification to include sales and marketing employees of the Cone Mills Corporation, Corporate Headquarters, Greensboro, North Carolina, operating at various locations in the States of New York and Virginia.

The intent of the Department's certification is to include all workers of Cone Mills Corporation who were adversely affected by increased imports.

The amended notice applicable to TA-W-53,291B is hereby issued as follows:

All workers of Cone Mills Corporation, Cone White Oak, LLC Division and Corporate Headquarters, Greensboro, North Carolina (TA-W-53,291B), including sales and marketing employees of Cone Mills Corporation, Corporate Headquarters, Greensboro, North Carolina, operating at various locations in the states of New York (TA-W-53,291D) and Virginia (TA-W-53,291E), who became totally or partially separated from employment on or after October 14, 2002, through December 3, 2005, 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 in Washington, DC this 26th day of March, 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-864 Filed 4-15-04; 8:45 am]

BILLING CODE 4510-13-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-54,143]

Elizabeth Weaving, Inc., Blacksburg, SC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 2, 2004, applicable to workers of Elizabeth Weaving, Inc., located in Grover, North Carolina. The notice was published in the **Federal Register** on April 6, 2004 (69 FR 18110).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The State provided information citing that the subject firm is located in Blacksburg, South Carolina, not Grover, North Carolina which is the mailing address for Elizabeth Weaving, Inc.

Accordingly, the Department is amending the certification to reflect this matter. The amended notice applicable to TA-W-54,143 is hereby issued as follows:

All workers of Elizabeth Weaving, Inc., Blacksburg, South Carolina, who became totally or partially separated from employment on or after January 21, 2003, through March 2, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 2nd day of March, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-859 Filed 4-15-04; 8:45 am]

BILLING CODE 4510-13-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,597]

Fashion Technologies, Gaffney, SC; Notice of Affirmative Determination Regarding Application for Reconsideration

By application postmarked January 31, 2004, a petitioner requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on December 30, 2003, and published in the **Federal Register** on February 6, 2004 (69 FR 5866).

The Department reviewed the request and has determined that the petitioner has provided additional information. Therefore, the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

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 in Washington, DC, this 23rd day of March, 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-863 Filed 4-15-04; 8:45 am]

BILLING CODE 4510-13-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-51,191]

Getronics Wang Company, LCC, Valley View, OH; Notice of Revised Determination on Remand

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a