States Attorney, District of Puerto Rico, Federal Office Building, Rm. 101, Carlos E. Chardon Avenue, Hato Rey, Puerto Rico 00918, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007–1866. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. If requesting a copy of the proposed Consent Decree, please so note and enclose a check in the amount of $6.00 (25 cent per page reproduction cost) payable to the U.S. Treasury.

Ronald Gluck,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04–8665 Filed 4–15–04; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act, the Emergency Planning and Community Right-To-Know Act, and Chapter 11 of the United States Bankruptcy Code

Notice is hereby given that on April 12, 2004, a proposed Settlement Agreement (''Agreement'') in *In re GenTek, Inc.,* Case No. 02–12968, was lodged with the United States Bankruptcy Court for the District of Delaware. The Agreement is between GenTek, Inc. and its affiliated debtors and debtors-in-possession (collectively, the ''Debtors'') and the United States, on behalf of the United States Environmental Protection Agency (''EPA''), the United States Department of the Interior, and the National Oceanic and Atmospheric Administration of the United States Department of Commerce. The Agreement relates to liabilities of the Debtors under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610 *et seq.* (''CERCLA'') and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001 *et seq.* (''EPCRA''). The Agreement provides as follows:

1. The United States, on behalf of EPA, would receive (a) an allowed general unsecured claim in the amount of $352,437 for unreimbursed response costs incurred through June 27, 2003 in connection with the Allied Chemical Corporation Works Site located in Front Royal, Virginia (Debtor General Chemical Corporation is a potentially responsible party at this site), and (b) and allowed claim in the amount of $36,000 with respect to violations by Debtor General Chemical Corporation of the notice requirements of Section 304 of EPCRA, 42 U.S.C. 11004, with respect to the release of sulfur trioxide on or about January 19, 2000 at the Delaware Valley Works in Claymont, Delaware.

2. The Debtors have agreed to comply with the following Unilateral Administrative Orders (''UAOs''), as amended, issued to Debtor General Chemical Corporation: (a) September 30, 1998 UAO issued by Region 3 of EPA requiring the implementation of a removal action at the Allied Chemical Corporation Works Site located in Front Royal, Virginia, and (b) the August 30, 2000 UAO issued by Region 3 of EPA under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*, with respect to the Delaware Valley Works in Claymont, Delaware.

3. For Debtor-Owned sites, there shall be no discharge under Section 1141 of the Bankruptcy Code with respect to, *inter alia,* actions against Debtors by the United States under CERCLA or RCRA seeking to compel the performance of a removal action, remedial action, or corrective action.

4. For all other sites including, without limitation, the Kim-Stan Site in Alleghany County, Virginia and the Allied Chemical Corporation Works Site located in Front Royal, Virginia (except for the response costs paid at the site through June 27, 2003 and the obligations of General Chemical Corporation under the September 20, 1998 UAO), the United States may not issue or seek environmental cleanup orders based on the Debtors' conduct before the bankruptcy action, but may recover response costs and natural resource damages based on such conduct, in an amount that is approximately equivalent to the amount the United States would have received if the United States' claims had been allowed unsecured claims under the Debtors' reorganization plan.

For a period of 15 days from the date of this publication, the Department of Justice will receive comments relating to the Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, and should refer to *In re GenTek, Inc.*, Case No. 02–12968 (Bankr. D. Del.), D.J. Ref. No. 90–7–1–23/4. A copy of the comments should be sent to Donald G. Frankel, Department of Justice, Environmental Enforcement Section, One Gateway Center, Suite 616, Newton, MA 02458.

The Agreement may be examined at the Office of the United States Attorney, district of Delaware, 1201 Market Street, Suite 1100, P.O. Box 2046, Wilmington, Delaware 19899–2046 (contact Ellen Slights at 302–573–6277). During the public comment period, the Agreement may also be examined on the following Department of Justice website, *http://www.usdoj.gov/enrd/open.html.* A copy of the Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $5.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04–8664 Filed 4–15–04; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the Compact Council created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the federal government and 21 states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records.

The United States Attorney General appointed 15 persons from federal and state agencies to serve on the Compact Council. The Council will prescribe

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 notifiy Mr. Todd C. Commodore 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. Commodore, 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.

[FR Doc. 04–8626 Filed 4–15–04; 8:45 am]

BILLING CODE 4410–02–M

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.