

questionnaire completed by the subject firm, confirm that the subject firm provides a service.

Unlike a manufacturing firm, Level 3 Communications, L.L.C. (Level 3) is not in the business of producing an article and then selling it, and the subject firm does not receive revenue from the sales of the LOA. Level 3's revenue flows from providing its customers with network communication services. The LOA merely memorializes the service agreement between the subject firm and its customer. As such, it is not an article produced by the subject firm. Rather, the issuance of a LOA is merely incidental to the service provided by the subject firm.

It is the Department's policy that something which is created incidental to the provision of a service is not an "article" for purposes of the Trade Act. The Department's policy that those workers who provide services are not engaged in the production of an article for the purposes of the Act, even if something (tangible or intangible) is generated in the provision of those services, has been upheld by the U.S. Court of International Trade (USCIT) in *Former Employees of Mortgage Guaranty Insurance Corporation v. United States Secretary of Labor*, Court No. 07-00182. In its August 13, 2008, opinion, the USCIT stated "the Trade Act does not provide for the eligibility of workers engaged in the provision of services."

After careful review of the request for reconsideration, the Department determines that there is no new information that supports a finding that Section 222 of the Trade Act of 1974 was satisfied and that no mistake or misinterpretation of the facts or of the law with regards to the number or proportion of workers separated from the subject firm during the relevant period.

#### 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 10th day of October 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-25463 Filed 10-27-08; 8:45 am]

BILLING CODE 4510-FN-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2008-0047]

### Federal Advisory Council on Occupational Safety and Health (FACOSH)

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Announcement of meeting.

**SUMMARY:** The Federal Advisory Council on Occupational Safety and Health (FACOSH) will meet November 13, 2008, in Washington, DC.

**DATES:** *FACOSH meeting:* FACOSH will meet from 1 p.m. to 4:30 p.m., Thursday, November 13, 2008.

*Submission of comments and requests to speak:* Comments and requests to speak at the FACOSH meeting must be received by November 6, 2008.

**ADDRESSES:** *FACOSH meeting:* FACOSH will meet in Room N-3437, Conference Rooms A/B/C, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

*Submission of comments and requests to speak:* Comments and requests to speak at the FACOSH meeting, identified by Docket No. OSHA-2008-0047, may be submitted by any of the following methods:

*Electronically:* You may submit materials, including attachments, electronically at <http://www.regulations.gov>,

the Federal eRulemaking Portal. Follow the online instructions for making submissions.

*Facsimile:* If your submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693-1648.

*Mail, express delivery, hand delivery, messenger or courier service:* You must submit three copies of your submissions to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (TTY (877) 889-5627). Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and OSHA Docket Office's normal business hours, 8:15 a.m.-4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2008-0047). Submissions in response to this **Federal Register** notice, including personal information provided, will be posted without change at <http://www.regulations.gov>. Therefore, OSHA

cautions interested parties about submitting certain personal information such as social security numbers and birth dates. Because of security-related procedures, submissions by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office, at the address above, for information about security procedures for making submissions by hand delivery, express delivery, and messenger or courier service. For additional information on submitting comments and requests to speak, see the **SUPPLEMENTARY INFORMATION** section below.

*Docket:* To read or download submissions in response to this **Federal Register** notice, go to Docket No. OSHA-2008-0047 at <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some documents (e.g., copyrighted material) are not publicly available to read or download through <http://www.regulations.gov>. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

#### FOR FURTHER INFORMATION CONTACT:

*For press inquiries:* Jennifer Ashley, OSHA, Office of Communications, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999.

*For general information:* Francis Yebesi, OSHA, Office of Federal Agency Programs, U.S. Department of Labor, Room N-3622, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2122; fax (202) 693-1685; e-mail [ofap@dol.gov](mailto:ofap@dol.gov).

*For special accommodations for the FACOSH meeting:* Veneta Chatmon, OSHA, Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999.

**SUPPLEMENTARY INFORMATION:** FACOSH will meet Thursday, November 13, 2008, in Washington, DC. All FACOSH meetings are open to the public.

FACOSH is authorized by section 19 of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 668), 5 U.S.C. 7902, and Executive Order 12196 to advise the Secretary of Labor on all matters relating to the occupational safety and health of Federal employees. This includes providing advice on how to reduce and keep to a minimum the number of injuries and illnesses in the Federal

workforce and how to encourage the establishment and maintenance of effective occupational safety and health programs in each Federal Department and Agency.

The tentative agenda for the FACOSH meeting includes:

- FY 2008 performance status of Federal Executive Branch agencies in meeting the four goals of the Presidential Safety, Health, and Return-to-Employment (SHARE) Initiative;
- Update on the FY 2007 Secretary's Report to the President on Federal Agency Occupational Safety and Health;
- Progress of the Federal Agency Recordkeeping Subcommittee;
- Tracking incidents related to emergency response and recovery operations;
- Update on the Federal Agency Site Specific Targeting Program; and
- Federal agency safety and health training.

FACOSH meetings are transcribed and detailed minutes of the meetings are prepared. Meeting transcripts, minutes and other materials presented at the meeting are included in the official record of FACOSH meetings.

Interested parties may submit a request to make an oral presentation to FACOSH by one of the methods listed in the **ADDRESSES** section. The request must state the amount of time requested to speak, the interest represented (e.g., organization name), if any, and a brief outline of the presentation. Requests to address FACOSH may be granted as time permits and at the discretion of the FACOSH chair.

Interested parties also may submit comments, including data and other information, using any of the methods listed in the **ADDRESSES** section. OSHA will provide all submissions to FACOSH members.

Individuals who need special accommodations and wish to attend the FACOSH meeting should contact Veneta Chatmon, at the address above, at least seven days before the meeting.

#### **Public Participation—Submissions and Access to Official Meeting Record**

You may submit comments and requests to speak (1) electronically, (2) by facsimile, or (3) by hard copy. All submissions, including attachments and other materials, must identify the Agency name and the OSHA docket number for this notice (Docket No. OSHA-2008-0047). You may supplement electronic submissions by uploading documents electronically. If, instead, you wish to submit hard copies of supplementary documents, you must submit three copies to the OSHA Docket Office using the instructions in the

**ADDRESSES** section. The additional materials must clearly identify your electronic submission by name, date and docket number.

Because of security-related procedures, the use of regular mail may cause a significant delay in the receipt of submissions. For information about security procedures concerning the delivery of submissions by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627).

Meeting transcripts and minutes as well as submissions in response to this **Federal Register** notice are included in the official record of the FACOSH meeting (Docket No. OSHA-2008-0047). Submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting certain personal information such as social security numbers and birth dates. Although all submissions are listed in the <http://www.regulations.gov> index, some documents (e.g., copyrighted material) are not publicly available to read or download through <http://www.regulations.gov>. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the <http://www.regulations.gov> Web site to make submissions and to access the docket and exhibits is available at the Web site's User Tips link. Contact the OSHA Docket Office for information about materials not available through the Web site and for assistance in using the Internet to locate submissions and other documents in the docket.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, is also available at OSHA's Web page at <http://www.osha.gov>.

#### **Authority and Signature**

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 19 of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 668), 5 U.S.C. 7902, section 1-5 of Executive Order 12196, the Federal Advisory Committee Act (5 U.S.C. App. 2) and regulations issued under FACA (41 CFR Part 102-3), and Secretary of Labor's Order No. 5-2007 (72 FR 31160).

Signed at Washington, DC, this 22nd day of October, 2008.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E8-25598 Filed 10-27-08; 8:45 am]

**BILLING CODE 4510-26-P**

#### **MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION**

##### **Sunshine Act Meetings**

**TIME AND DATE:** 9 a.m. to 12 p.m., Friday, November 14, 2008.

**PLACE:** The offices of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, 130 South Scott Avenue, Tucson, AZ 85701.

**STATUS:** This meeting will be open to the public, unless it is necessary for the Board to consider items in executive session.

**MATTERS TO BE CONSIDERED:** (1) A report on the U.S. Institute for Environmental Conflict Resolution; (2) A report from the Udall Center for Studies in Public Policy; (3) A report on the Native Nations Institute; (4) Program Reports; and (5) A Report from the Management Committee.

**PORTIONS OPEN TO THE PUBLIC:** All sessions with the exception of the session listed below.

**PORTIONS CLOSED TO THE PUBLIC:** Executive session.

**CONTACT PERSON FOR MORE INFORMATION:** Ellen K. Wheeler, Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 901-8500.

Dated: October 22, 2008.

**Ellen K. Wheeler,**

*Executive Director, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Federal Register Liaison Officer.*

[FR Doc. E8-25643 Filed 10-27-08; 8:45 am]

**BILLING CODE 6820-FN-M**

#### **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

##### **Information Security Oversight Office**

##### **National Industrial Security Program Policy Advisory Committee (NISPPAC)**

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101-6,