The amended notice applicable to TA–W–51,295 is hereby issued as follows:

All workers of Evening Vision Dresses, LTD, Evening Vision Limited, and Evening Vision Dresses, New York, New York, who became totally or partially separated from employment on or after March 20, 2002, through April 9, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 30th day of June 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17829 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,597 and TA–W–50,597A]

Harriet & Henderson Yarns, Inc., J.D. Plant, and Harriet & Henderson Yarns, Inc., Henderson Plant, Henderson, NC; Notice of Revised Determination on Reconsideration

By application of May 28, 2003 and May 29, 2003, a company official requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on April 30, 2003, based on the finding that imports of open end spun yarn and ring spun yarn did not contribute importantly to worker separations at the subject facilities. The denial notice was published in the **Federal Register** on May 9, 2003 (68 FR 25060).

In their request, the company asked that the subject firm workers be reconsidered for certification on the basis of acting as upstream suppliers to firms under active certification for trade adjustment assistance.

After a review of the subject firm customers on this basis, including several customers not supplied in the original investigation, it was revealed that Harriet & Henderson Yarns, Inc., Henderson Plant, Henderson, North Carolina supplied component parts for polyester cotton fabric produced by Galey and Lord Industries (TA–W–39,945), and a loss of business with this manufacturer contributed importantly to the workers' separation. It was further revealed that Harriet & Henderson Yarns, Inc., J.D. Plant, Henderson, North Carolina supplied component parts for socks and gloves produced by several trade certified firms, and a loss of business with these manufacturers contributed importantly to the workers' separation.

Conclusion

After careful review of the facts obtained in the investigation, I determine that workers of Harriet & Henderson Yarns, Inc., J.D. Plant, Henderson, North Carolina (TA–W–50,597) and Harriet & Henderson Yarns, Inc., Henderson Plant, Henderson, North Carolina (TA–W–50,597A) qualify as adversely affected secondary workers under section 222 of the Trade Act of 1974, as amended. In accordance with the provisions of the Act, I make the following certification:

All workers of Harriet & Henderson Yarns, Inc., J.D. Plant, Henderson, North Carolina (TA–W–50,597) and Harriet & Henderson Yarns, Inc., Henderson Plant, Henderson, North Carolina (TA–W–50,597A) who became totally or partially separated from employment on or after January 16, 2002, through two years from the date of certification are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 26th day of June 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17825 Filed 7–14–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,129 and TA–W–50,129A]

IBM Corporation, Global Services Division, Piscataway, NJ, and IBM Corporation, Global Services Division, Middletown, NJ; Notice of Negative Determination Regarding Application for Reconsideration

By application of April 29, 2003, 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 IBM Corporation, Global Services Division, Piscataway and Middletown, New Jersey was signed on March 26, 2003, and published in the **Federal Register** on April 7, 2003 (68 FR 16834).

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 IBM Corporation, Global Services Division, Piscataway and Middletown, New Jersey engaged in analysis and maintenance of computer software and information systems. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner asserts that the negative decision for the petitioning worker group came as a result of an overly narrow and antiquated interpretation of production as stipulated in the Trade Act. The petitioner also asserts that software is different from services in that one does not need a software ''worker'' to operate software.

Software and information systems are not listed on the Harmonized Tariff Schedule of the United States (HTSUS), published by the United States International Trade Commission (USITC), Office of Tariff Affairs and Trade Agreements, which describes all ''articles'' imported to or exported from the United States. This codification represents an international standard maintained by most industrialized countries as established by the International Convention on the Harmonized Commodity Description and Coding (also known as the HS Convention).

The Trade Adjustment Assistance (TAA) program was established to help workers who produce articles and who lose their jobs as a result of increases in imports of articles like or directly competitive with those produced at the workers' firm.

Throughout the Trade Act an article is often referenced as something that can be subject to a duty. To be subject to a duty on a tariff schedule, an article will have a value that makes it marketable, fungible and interchangeable for commercial purposes. But, although a wide variety of tangible products are described as articles and characterized as dutiable in the HTSUS, software and associated information technology

services are not listed in the HTSUS. Such products are not the type of employment work products that Customs officials inspect and that the TAA program was generally designed to address.

A National Import Specialist was contacted at the U.S. Customs Service to address whether software could be described as an import commodity. The Import Specialist confirmed that electronically transferred material is not a tangible commodity for U.S. Customs purposes. In cases where software is encoded on a medium (such as a CD Rom or floppy diskette), the software is given no import value, but rather evaluated exclusively on the value of the carrier medium. This standard is based on Treasury Decision 85–124 as issued on July 8, 1985 by the U.S. Customs Service. In conclusion, this decision states that ''in determining the customs value of imported carrier media bearing data or instructions, only the cost or value of the carrier medium itself shall be taken into account. The customs value shall not, therefore, include the cost or value of the data or instructions, provided that this is distinguished from the cost or the value of the carrier medium.''

Finally, the North American Industry Classification System (NAICS), published by the U.S. Department of Commerce, designates all manner of custom software applications and software systems, including analysis, development, programming, and integration as ''Services'' (see NAICS #541511 and #541512.)

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.

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 26th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17823 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,350]

Leviton Manufacturing Company, Inc., Hillsgrove Division, Warwick, RI; Notice of Revised Determination on Reconsideration

By application of April 21, 2003, a company official requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on March 21, 2003, based on the finding that imports of electrical wiring devices did not contribute importantly to worker separations at the subject plant and that there was no shift to a foreign country. The denial notice was published in the **Federal Register** on April 7, 2003 (68 FR 16833).

To support the request for reconsideration, the company official supplied additional information to supplement that which was gathered during the initial investigation. Upon further review, it was revealed that the company shifted production of electrical wiring devices to Mexico during the relevant period and that this shift contributed importantly to layoffs at the Warwick plant.

Conclusion

After careful review of the facts obtained in the investigation, I determine that there was a shift in production from the workers' firm or subdivision to Mexico of articles that are like or directly competitive with those produced by the subject firm or subdivision, and there has been or is likely to be an increase in imports of like or directly competitive articles. In accordance with the provisions of the Act, I make the following certification:

''All workers of Leviton Manufacturing Company, Inc., Hillsgrove Division, Warwick, Rhode Island who became totally or partially separated from employment on or after December 16, 2001 through two years from the date of certification are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.''

Signed in Washington, DC this 26th day of June 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17824 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,587]

Nestle USA, Confections and Snacks Division, Fulton, NY; 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) the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on May 23, 2003, applicable to workers of Nestle USA, Confections and Snacks Division located in Fulton, New York. The notice was published in the **Federal Register** on June 19, 2003 (68 FR 36846).

The Department reviewed the certification for workers of the subject firm. The workers produce chocolate crunch, white crunch, chunky and Wonka candy bars.

The review shows that the Department inadvertently set the incorrect impact date. The **Federal Register** notice shows April 14, 2003 as the impact date for TA–W–51,587, and should be April 14, 2002. Therefore, the Department is amending certification to reflect the correct impact date to read April 14, 2002.

The amended notice applicable to TA–W–51,587 is hereby issued as follows:

All workers of Nestle USA, Confections and Snack Division, Fulton, New York, who became totally or partially separated from employment on or after April 14, 2002, through May 23, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 30th day of June, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17826 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,388]

Solid State-Filtronic Incorporated, Compound Semiconductor, Santa Clara, CA; Notice of Revised Determination On Reconsideration

By letter of May 25, 2003, petitioners requested administrative reconsideration of the Department's