minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, by telefax at (202) 395–5806 or via e-mail to *Ruth_Solomon@omb.eop.gov.* Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 210–SIB, Washington, DC 20240, or electronically to *jtreleas@osmre.gov.*

Dated: May 21, 2003.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 03–17855 Filed 7–14–03; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,073]

Collins & Aikman Automotive Systems, Marshall, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 30, 2003, the International Union, UAW, Region 1C and Local Union 1294 requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on April 16, 2003, and published in the **Federal Register** on May 1, 2003 (68 FR 23322).

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 petition for the workers of Collins & Aikman Automotive Systems, Marshall, Michigan was denied because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974 was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of vibration dampeners. The company did not import vibration dampeners in the relevant period nor did it shift production to a foreign source.

The union asserts that the company shifted production to Canada, and in support of this, includes a letter dated October 1, 2002 from a former company official who indicates that some plant production previously supplied by the subject plant to an affiliated Canadian facility was outsourced to a Canadian vendor.

A review of the initial investigation revealed that the same company official who provided the letter noted above also provided information to the Department in March of 2003. This information included a table that clearly delineated which customers were responsible for sales losses from the subject plant in the relevant period, and provides exact figures of the volume of sales loss that each customer was responsible for. The table further indicates that a Collin's & Aikman facility in Canada ceased purchasing vibration deadeners from the subject facility, and that this production was ''resourced to another vendor''. However, in context to total plant production, the sales loss to this customer was negligible. Further, in a communication with the Department during the initial investigation, this same company official stated that it was the decline in business from another customer who represented the overwhelming majority of subject plant business that precipitated the shift in production to another domestic facility, and subsequent closure of the subject plant.

The union appears to allege that a significant shift in production to Canada is indicated in a local new article that mentions the closure of two Collins & Aikman domestic plants (including the subject facility) and later states that a Collins & Aikman facility in Ontario, Canada ''took on more business as Collins & Aikman restructured with work transferred from closed plants.'' The union infers that the subject plant must be one of the plants that shifted production to Canada because it is one of two plants mentioned as being closed.

As already indicated, a negligible amount of production was shifted from the subject facility to Canada, albeit not significant enough to contribute significantly to layoffs. Plant closure is predominantly attributable to the decline in business from the subject facility's largest customer and a subsequent decision by the company to shift production from the subject facility to another domestic facility in Ohio.

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 27th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17822 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,295]

Evening Vision Dresses, Ltd, Also Doing Business as Evening Vision Limited, Evening Visions Apparel, Ltd, New York, 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 April 9, 2003, applicable to workers of Evening Vision Dresses, LTD located in New York, New York. The notice was published in the **Federal Register** on April 24, 2003 (68 FR 20177).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers produce dresses. The review shows that the subject firm also does business under Evening Vision Limited and Evening Vision Dresses at the same New York, New York location.

It is the Department's intent to include all workers of Evening Vision Dresses, LTD, New York, New York, adversely affected by increased imports. Therefore, the Department is amending the certification to include workers whose Unemployment Insurance (UI) wages were reported to Evening Vision Limited and Evening Vision Dresses.

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]

BILLING CODE 4510–30–P

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