

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]

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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.

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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