

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-52,828]

**AK Steel Corp., Rockport Works,
Shipping, Receiving and Packaging
Department, Rockport, IN; Dismissal of
Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at AK Steel Corporation, Rockport Works, Shipping, Receiving and Packaging Department, Rockport, Indiana. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,828; AK Steel Corporation,
Rockport Works, Shipping,
Receiving and Packaging
Department, Rockport, Indiana
(December 4, 2003)

Signed at Washington, DC this 18th day of
December 2003.

Timothy Sullivan,

*Director, Division of Trade Adjustment
Assistance.*

[FR Doc. 03-31858 Filed 12-24-03; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-52,766]

**American Suessen Corp., Charlotte,
NC; Dismissal of Application for
Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at American Suessen Corporation, Charlotte, North Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,766; American Suessen
Corporation (December 4, 2003)

Signed at Washington, DC this 18th day of
December 2003.

Timothy Sullivan,

*Director, Division of Trade Adjustment
Assistance.*

[FR Doc. 03-31859 Filed 12-24-03; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-52,128, TA-W-52,128A, and TA-W-52,128B]

**Control Engineering Company,
Pellston, MI; Control Engineering
Company, Harbor Springs, MI; Control
Engineering Company, Boyne City, MI;
Notice of Affirmative Determination
Regarding Application for
Reconsideration**

By letter of September 5, 2003, a company official requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on August 15, 2003, and published in the **Federal Register** on September 2, 2003 (68 FR 52227).

The Department reviewed the request for reconsideration and has determined that the Department will conduct a survey of additional customers that were not contacted in the initial investigation to establish whether imports contributed importantly to separations at the petitioning workers' facilities.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 8th day of
December, 2003.

Elliott S. Kushner,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 03-31862 Filed 12-24-03; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-52,622]

**Descartes Systems (USA) LLC, an
Affiliate of the Descartes Systems
Group, Inc., Atlanta, GA; Notice of
Negative Determination Regarding
Application for Reconsideration**

By application of October 9, 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 Descartes Systems (USA) LLC, Atlanta, Georgia was signed on September 4, 2003, and published in the **Federal Register** on October 10, 2003 (68 FR 58719).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Descartes Systems (USA) LLC, Atlanta, Georgia engaged in employment related to providing electronic data interchange services. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222 of the Act.

The petitioner appears to imply that the petitioning worker group should be considered eligible for TAA on the basis that they created an article as part of a "paperless" process.

Data exchange services are not tangible commodities, that is, marketable products, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), which describes all products imported to or exported from the United States.

Further, the TAA program was established to help workers who produce articles and who lose their jobs as a result of trade agreements. 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