

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In The Matter of Stooddy Company, Debtor*, D.J. Ref. 90-11-2-354/9. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The settlement agreement may be examined at the Office of U.S. Attorney, Civil Division, 111 South 10th Street, 18th Floor, St. Louis, Missouri or at the U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, California. During the public comment period the settlement agreement also may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the settlement agreement may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$3.00 (12 pages @ 25 cents per page reproduction cost), payable to the U.S. Treasury.

Ellen M. Mahan,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-51,834]

Agilent Technologies, Inc., Information Technology Division (IT), Colorado Springs, CO; Notice of Negative Determination Regarding Application for Reconsideration

By application of July 17, 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 Agilent Technologies, Inc., Information Technology Division (IT), Colorado Springs, Colorado was signed on June 16, 2003, and published in the **Federal Register** on July 3, 2003 (68 FR 39976).

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 Agilent Technologies, Inc., Information Technology Division (IT), Colorado Springs, Colorado, engaged in computer consulting services combined with providing information technology. 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 served as secondary upstream supplier to a trade certified firm.

In fact, in order to be eligible for TAA, workers must produce an article. Further, in order to meet TAA eligibility requirements as secondary upstream suppliers, the worker group must produce a component part of the product that was the basis of the TAA certification for the customer firm.

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 13th day of August 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-50,878]

Cannondale Corporation Bicycle Plant Now Known as Cannondale Bicycle Corporation, Bedford, PA; 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 Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance on April 25, 2003, applicable to workers of the Cannondale Corporation, Bicycle Plant, Bedford, Pennsylvania. The notice was published in the **Federal Register** on May 9, 2003 (68 FR 25060).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of bicycles, clothing and accessories.

New information shows that Cannondale Corporation, Bicycle Plant became known as Cannondale Bicycle Corporation in May 2003, following bankruptcy in early 2003. Workers separated from employment as the subject firm had their wages reported under a separated unemployment insurance (UI) tax account for Cannondale Bicycle Corporation.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Cannondale Corporation, Bicycle Plant who were adversely affected by increased imports.

The amended notice applicable to TA-W-50,878 is hereby issued as follows:

All workers of Cannondale Corporation, Bicycle Plant, now known as Cannondale Bicycle Corporation, Bedford, Pennsylvania, who became totally or partially separated from employment on or after February 10, 2002, through April 25, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.