

**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]

BILLING CODE 4510-30-P

**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]

BILLING CODE 4510-30-P

**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

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 HTS, informational products that could historically be sent in letter form and that can currently be electronically transmitted, are not listed in the HTS. Such products are not the type of products that customs officials inspect and that the TAA program was generally designed to address.

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 18th day of November, 2003.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-31861 Filed 12-24-03; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,972]

#### **Exfo Gnubi Products Group, Inc., Gnubi Communications, L.P., Gnubi Communications, Inc., Addison, TX; 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 October 17, 2003, applicable to workers of Exfo Gnubi Products Group, Inc., Addison, Texas. The notice was published in the **Federal Register** on November 6, 2003 (68 FR 62834).

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 telecommunications test equipment.

New information shows that Exfo Gnubi Products Group, Inc. purchased Gnubi Communications in October 2002. Workers separated from employment at the subject firm had their wages reported under two separate unemployment insurance (UI) tax accounts for Gnubi Communications, L.P. and Gnubi Communications, Inc.

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

The intent of the Department's certification is to include all workers of Exfo Gnubi Products Group, Inc., Addison, Texas who were adversely affected by a shift in production of telecommunications test equipment to Canada.

The amended notice applicable to TA-W-52,972 is hereby issued as follows:

All workers of Exfo Gnubi Products Group, Inc., Gnubi Communications, L.P., and Gnubi Communications, Inc., Addison, Texas, who became totally or partially separated from employment on or after September 9, 2002, through October 17, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 21st day of November 2003.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-31857 Filed 12-24-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,725]

#### **Fishing Vessel (F/V) Bad Betty, Homer, AK; 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 Fishing Vessel (F/V) Bad Betty, Homer, Alaska. 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-52,725; Fishing Vessel (F/V) Bad Betty, Homer, Alaska (December 4, 2003)

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

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-31860 Filed 12-24-03; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### **Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than January 8, 2004.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than January 8, 2004.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 12th day of December 2003.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*