certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC this 22nd day of December, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–1523 Filed 1–23–04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,717 and TA–W–40,717A]

DyStar LP, Coventry, RI, and DyStar LP, Corporate Office, Charlotte, NC; 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 May 6, 2002, applicable to workers of DyStar LP, located in Coventry, Rhode Island. The notice was published in the **Federal Register** on May 17, 2002 (67 FR 35141).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The workers of DyStar LP produce textile reactive dyes. New information provided by a company official show that layoffs have occurred at the subject firm's headquarters in Charlotte, North Carolina. Workers at the headquarters provide administrative support services for the production of textile reactive dyes at the company's production facility in Coventry, Rhode Island.

It is the Department's intent to include all workers of DyStar LP affected by increased imports. Therefore, the Department is amending the certification to include workers of DyStar LP, Corporate Office in Charlotte, North Carolina.

The amended notice applicable to TA–W–40,717 is hereby issued as follows:

''All workers of DyStar LP, Coventry, Rhode Island (TA–W–40,717), and DyStar LP, Corporate Office, Charlotte, North Carolina (TA–W–40,717A), who became totally or partially separated from employment on or after January 9, 2001, through May 6, 2004, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.''

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

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–1518 Filed 1–23–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,592]

Dystar LP, Corporate Office, Charlotte, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 20, 2003, in response to a petition filed by a company official on behalf of workers of DyStar LP, Corporate Office, Charlotte, North Carolina.

The investigation revealed that workers of the subject firm are covered under an amended certification, TA–W–40,717A, that does not expire until May 6, 2004. Consequently, further investigation would serve no purpose and the investigation has been terminated.

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

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–1520 Filed 1–23–04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,818]

Hewlett-Packard Company, Open VMS Data Protector Team, Colorado Springs, Colorado; Notice of Negative Determination Regarding Application for Reconsideration

By application of November 23, 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 Hewlett-Packard Company, Open VMS Data Protector Team, Colorado Springs, Colorado was signed on October 31, 2003, and published in the **Federal Register** on November 28, 2003 (68 FR 66878).

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 Hewlett-Packard Company, Open VMS Data Protector Team, Colorado Springs, Colorado engaged in software engineering, such as programming, planning, testing and maintenance. 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 incorrect interpretation of production as stipulated in the Trade Act. The petitioner also asserts that workers were in fact producing an article, ''HP Openview Storage Data Protector 5.1'' and that this software engineered by workers should be considered a product for the reasons that it is a standalone application; is shipped on a CDrom, which contains the executable software; includes manuals; and has roadmaps.

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