DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,486]

Electronic Data Systems Corporation, I Solutions Center, Fairborn, OH; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 4, 2003, petitioners 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 Electronic Data Systems (EDS) Corporation, I Solutions Center, Fairborn, Ohio was signed on January 15, 2003, and published in the **Federal Register** on February 6, 2003 (68 FR 6211).

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 Electronic Data Systems Corporation, Fairborn, Ohio engaged in activities related to information technology services. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222 of the Act.

The petitioners resubmitted an attachment to the original petition listing the ''articles'' produced, including computer programs, job control language, databases and various types of documentation.

A petitioner was contacted and asked as to the nature of the computer programs produced. He clarified that the subject firm created a custom-designed program for the customer's financial department.

Petitioning workers do not produce an ''article'' within the meaning of the Trade Act of 1974. The functions performed at the subject firm relate to information technology services. These services are thus not tangible commodities, that is, marketable products, and are not listed on the Harmonized Tariff Schedule of the United States (HTS), which describes all articles imported to the United States.

Further, the Trade Adjustment Assistance (TAA) program was established to help workers who produce articles and who lose their jobs as a result of increases of like or directly competitive imports of such articles contributing importantly to the layoff. 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 support that could historically be sent in letter form and that can currently be electronically transmitted, are not listed in the HTS.

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 15th day of April, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–10137 Filed 4–23–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,280]

Emerson Appliance Controls, Frankfort, IN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 24, 2003 in response to a worker petition filed on behalf of workers at Emerson Appliance Controls, Frankfort, Indiana.

The petitioning group of workers is covered by an earlier petition filed on March 5, 2003 (TA–W–51,122) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC this 4th day of April 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–10147 Filed 4–23–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,606]

Emerson Tool Company, Paris, TN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 13, 2003 in response to a worker petition filed jointly by the company and the International Association of Machinists, Local 1193, on behalf of workers of Emerson Tool Company, Paris, Tennessee.

The petitioning group of workers is covered by an active certification issued on January 13, 2003, and which remains in effect (TA–W–50,546). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–10141 Filed 4–23–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,296]

Federal Mogul Ignition Group, Lighting Division, Hampton, VA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 25, 2003, in response to a worker petition dated March 19, 2003 filed by a company official on behalf of workers at Federal Mogul Ignition Group, Lighting Division, Hampton, Virginia.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.