

determinations made by the Commission. In order to allow sufficient time to complete the remand, the Commission extended the target date for completion of the investigation by seven months, *i.e.*, until August 20, 2004.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.45 and 210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.45, 210.51).

Dated: Issued: January 20, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 04-1536 Filed 1-23-04; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1062 (Preliminary)]

Kosher Chicken From Canada

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of ready-to-cook Kosher chicken and parts thereof (kosher chicken), provided for in subheadings 0207.11.00, 0207.12.00, 0207.1300, and 0207.14.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).²

Background

On December 1, 2003, a petition was filed with the Commission and Commerce by Empire Kosher Poultry, Inc., Mifflintown, PA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of kosher chicken from Canada. Accordingly, effective December 1, 2003, the Commission instituted

antidumping duty investigation No. 731-TA-1062 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of December 11, 2003 (68 FR 69088, December 11, 2003). The conference was held in Washington, DC, on December 22, 2003, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on January 15, 2004. The views of the Commission are contained in USITC Publication 3669 (January 2004), entitled *Kosher Chicken from Canada: Investigation No. 731-TA-1062 (Preliminary)*.

By order of the Commission.

Issued: January 20, 2004.

Marilyn R. Abbott,

Secretary.

[FR Doc. 04-1534 Filed 1-23-04; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-53,638]

American Shoe Corporation, Skowhegan, Maine; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 25, 2003 in response to a petition filed on behalf of workers of American Shoe Corporation, Skowhegan, Maine.

The petitioning group of workers is covered by an active certification issued on March 18, 2002 which remains in effect until March 18, 2004 (TA-W-39,458). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 4th day of January, 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-1519 Filed 1-23-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-52,751]

Cliffs Mining Services Company, Ishpeming, Michigan; Notice of Revised Determination on Reconsideration

On November 21, 2003, the Department issued an affirmative determination regarding application on reconsideration applicable to workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The initial determination stated that the subject worker group did not engage in production but provided engineering design, testing, management and technical support services for affiliates of the company. The initial investigation did not determine whether the workers were eligible to apply for Alternative Trade Adjustment Assistance since the workers were not found eligible to apply for Trade Adjustment Assistance.

On review of new information provided by the petitioner and the company official, it has been determined that subject company sales, production and employment declined during the relevant time periods, that the subject worker group was engaged in the production of iron pellets, that a majority of the workers' responsibilities involved testing and product quality control, and that a significant portion of their functions were dedicated to support an existing Trade-certified company (TA-W-40,489).

A review of the submitted documents revealed that least five percent of the workforce at the subject firm is at least 50 years of age and that the workers possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at the subject firm contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Cliffs Mining Services Company, Ishpeming, Michigan, who became totally or partially separated from employment on or after August 19, 2002, through two years from the date of this

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² Commissioner Marcia E. Miller made an affirmative determination.

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]

BILLING CODE 4510-30-P

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]

BILLING CODE 4510-30-P

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