

those seven companies who produce software which might be considered like or directly competitive with the four CSC software programs at issue: Performance Plus, JETS, Repetitive Payment System, and Vantage-One. Of the companies surveyed, none had imported software in a physical medium, and while some stated that new business opportunities were always possible, none had expressed that they were likely to import any software. Specifically, one competitor stated that it has "never used offshore resources for anything," another competitor stated that their software was written "100% Stateside" and that there was "no intention to import anything—no software, no code" and a third competitor stated "no way, no how" that the company imports software. Because all the competitors are domestic, and none of them have increased or are likely to increase imports, it is impossible for consumers of the software code or software on a physical medium to buy an imported product "like or directly competitive" to CSC's. Obviously, CSC has increased its "delivery" of software code to the United States, but because software code is not an article for the purposes of the Trade Act, such an increase does not qualify to make plaintiffs eligible for TAA benefits.

#### Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Computer Sciences Corporation, Financial Services Group, East Hartford, Connecticut.

Signed at Washington, DC, this 24th day of August, 2005.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-4774 Filed 8-31-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,508]

#### DeBall, Inc., Olney Wallcoverings, Asheville, NC; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974,

(26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 11, 2005, applicable to workers of DeBall, Inc., Asheville, North Carolina. The notice will be published soon in the **Federal Register**.

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of velvet and velour.

New information shows that that all workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Olney Wallcoverings.

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 DeBall, Inc., Asheville, North Carolina who was adversely affected by a shift in production to Canada.

The amended notice applicable to TA-W-57,508 is hereby issued as follows:

All workers of DeBall, Inc., Olney Wallcoverings, Asheville, North Carolina, who became totally or partially separated from employment on or after July 6, 2004, through July 11, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 23rd day of August, 2005.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,446]

#### Herules Incorporation, Aqualon Division, Parlin, NJ; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter dated August 11, 2005, a representative of the International Union of Operating Engineers, Local 68, 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 determination was signed on July 20, 2005, and will soon be published in the **Federal Register**.

The petitioner alleges in the request for reconsideration that workers were separated from the subject company's Power House, which provided steam to the subject company and Green Tea Chemical Technologies (TA-W-53,831, certified January 16, 2004). The petitioner further alleges that the separations were caused by the subject company's reduced need to provide steam to Green Tea Chemical Technologies facility.

The Department carefully reviewed the petitioner's request for reconsideration and has determined that the Department will conduct further investigation based on new information provided by the petitioner.

#### 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 19th day of August 2005.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,671]

#### Kellogg's Snack Division, Macon, GA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on August 4, 2005 in response to a petition filed on behalf of workers at Kellogg's Snack Division, Macon, Georgia.

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

Signed at Washington, DC, this 15th day of August, 2005.

**Linda G. Poole,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

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