were adversely affected by a shift in production to Malaysia.

The amended notice applicable to TA–W–51,880 is hereby issued as follows:

All workers of InFocus Corporation, formerly InFocus Systems, Inc., including temporary workers of Adecco Staffing, Wilsonville, Oregon, who became totally or partially separated from employment on or after May 8, 2002, through June 24, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 11th day of February, 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–4968 Filed 3–4–04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,735]

Kincaid Furniture Co., Inc., Plant 8, Currently Known as Plant 18, Lenoir, 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 March 3, 2003, applicable to workers of Kincaid Furniture Company, Inc. located in Lenoir, North Carolina. The notice was published in the **Federal Register** on March 19, 2003 (68 FR 13332).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm producing dining room chairs and tables. The petitioners report, and the company confirms, that the plant from which the workers are continuing to be separated is currently identified as Plant 18. This plant was formerly known as Plant 8, Lenoir, North Carolina.

The Department is amending the certification to clarify that all workers of Kincaid Furniture Company, Inc., Plant 8, currently known as Plant 18, Lenoir, North Carolina are eligible to apply for TAA.

The amended notice applicable to TA–W–50,735 is hereby issued as follows:

All workers of Kincaid Furniture Company, Inc., Plant 8, currently known as Plant 18, Lenoir, North Carolina, who became totally or partially separated from employment on or after January 27, 2002, through March 3, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 17th day of February, 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–4978 Filed 3–4–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,417]

NTN-Bower Corporation, Hamilton, Alabama

Notice of Revised Determination on Remand

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for voluntary remand for further investigation of the negative determination in *Former Employees of NTN-Bower Corporation* v. *U.S. Secretary of Labor* (Court No. 02–00315).

The Department's initial denial of the petition for employees of NTN-Bower Corporation, Hamilton, Alabama was issued on March 27, 2002. The decision was published on April 5, 2002 in the **Federal Register** (67 FR 16441). The denial was based on the fact that imports did not contribute importantly to worker separations at the subject firm. The petitioners did not request administrative reconsideration.

By letter dated April 25, 2002 to the U.S. Court of International Trade, petitioners requested judicial review. The Department requested, and was granted, a voluntary remand. On October 3, 2002, the Department issued a Notice of Negative Determination on Remand. The Notice was published in the **Federal Register** on October 22, 2002 (67 FR 64919). The denial was based on the fact that the major customer did not import tapered roller bearings during the relevant time period.

In the current voluntary remand investigation, the Department obtained new information and clarification from the company regarding the production process and company imports during the relevant time period.

The new information revealed that earlier in the relevant time period, the subject company made bearing forgings (component parts stamped out of steel plates), finished the forgings, and assembled the forgings into bearings; later in the relevant time period, the subject company had replaced bearing forging production with imported unfinished forgings, and then finished and assembled the bearings at NTN-Bower, Hamilton, Alabama. The subject worker group produced bearings and component parts, and are not separately identifiable by product line.

Conclusion

After careful review of the additional facts obtained on remand, I conclude that there were increased imports of articles like or directly competitive with those produced by the subject firm that contributed importantly to the worker separations and sales or production declines at the subject facility. In accordance with the provisions of the Trade Act, I make the following certification:

All workers of NTN-Bower Corporation, Hamilton, Alabama who became totally or partially separated from employment on or after October 18, 2000, through two years from the issuance of this revised determination, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 25th day of February, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–4980 Filed 3–4–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52, 981]

OCÉ Groupware Technology, Inc. (OGT), A Subsidiary of OCÉ—USA Holding, Inc., A Member of the OCÉ Group, A Subsidiary of OCÉ N.V., Boise, ID

Notice of Negative Determination Regarding Application for Reconsideration

By application postmarked December 1, 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 Océ Groupware Technology, Inc. (OGT), a subsidiary of Océ—USA Holding, Inc., a member of the Océ Group, a subsidiary of Océ N.V., Boise, Idaho was signed on October 10, 2003,

and published in the **Federal Register** on November 6, 2003 (68 FR 62832).

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 Océ Groupware Technology, Inc. (OGT), a subsidiary of Océ—USA Holding, Inc., a member of the Océ Group, a subsidiary of Océ N.V., Boise, Idaho engaged in development of software. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222 of the Act.

The petitioner contends that the Department erred in its interpretation of work performed at the subject facility as a service and refers to the production of software as a final ''master'' package product. As a proof, the petitioner attached a description and price lists of the software, and an example of a Software License and Transfer Agreement dated May, 1999.

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that workers of Océ Group, a subsidiary of Océ N.V., Boise, Idaho are software engineers, engaged in IT solution and development, and administrative workers, engaged in sales, support, marketing and product planning. The official further clarified that the subject facility develops a unique software which is transmitted from the subject facility to Itasca, Illinois for software ''duplicating'' or stamping on to CD-roms in response to orders received. The CDs are further packaged and shipped to customers. The company official reported that the development stage of software is currently in the process of being outsourced to Belgium. The company official further stated that development process which is done in Belgium will consist of engineers developing updated and new versions of the software which further will be transmitted either to the Netherlands for stamping and delivering to European and Asian markets, or to the Itasca, Illinois facility in the United States for further stamping and distribution to customers.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance, but rather only whether they produced an article within the meaning of section 222 of the Trade Act of 1974.

Software design, developing and coding are not considered production of an article within the meaning of Section 222 of the Trade Act. Petitioning workers do not produce an ''article'' within the meaning of the Trade Act of 1974. Formatted electronic software and codes are not tangible commodities, that is, marketable products, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), as classified by the United States International Trade Commission (USITC), Office of Tariff Affairs and Trade Agreements, which describes articles imported to the United States.

To be listed in the HTS, an article would be subject to a duty on the tariff schedule and have a value that makes it marketable, fungible and interchangeable for commercial purposes. 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 employment work products that customs officials inspect and that the TAA program was generally designed to address.

The petitioner also alleges that imports impacted layoffs, asserting that because workers lost their jobs due to a transfer of job functions to Belgium, petitioning workers should be considered import impacted.

The petitioning worker group is not considered to have engaged in production, thus any foreign transfer of their job duties is irrelevant within the context of eligibility for trade adjustment assistance.

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 12th day of February, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04–4962 Filed 3–4–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,855]

ON Semiconductor, East Greenwich Division, Including Leased Workers of Kelly Services, East Greenwich, RI; 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) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 30, 2003, applicable to workers of ON Semiconductor, East Greenwich Division, including leased workers of Kelly Services, East Greenwich, Rhode Island. The notice was published in the **Federal Register** on November 28, 2003. (68 FR 66879).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers produce power management and standard analog semiconductor components.

The review shows that the company provided information in response to questions from the Department with respect to Alternative Trade Adjustment Assistance (ATAA) that were not addressed in the decision document. The Department has determined that this information together with semiconductor industry information warrants ATAA certification for workers of the subject firm.

Therefore, the Department is amending the certification to reflect its finding.

The amended notice applicable to TA–W–52,855 is hereby issued as follows:

All workers of ON Semiconductor, East Greenwich Division, including leased workers of Kelly Services, East Greenwich, Rhode Island, who became totally or partially separated from employment on or after September 3, 2002, through October 30, 2005, 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, as amended.