

and that this mainframe was moved to Connecticut, necessitating a separation for workers at the West Palm Beach facility. The official also stated that other workers were engaged in creating design specifications for Pratt & Whitney's SAP applications, and that some "source coding services" were performed in India.

The Department has traditionally deemed custom software design and programming as a service. Electronically generated software code is not a tangible commodity. This is supported by the fact that they are not marketable products listed on the Harmonized Tariff Schedule of the United States (HTS), 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.

Further support that Computer Sciences Corporation workers in West Palm Beach did not produce an article is found in examining what items are subject to a duty. 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.

However, although a wide variety of tangible products are described as articles and characterized as dutiable in the HTS, customized software code such as that created by the petitioning worker group is not listed in the HTS. Such items are not the type of work products that customs officials inspect and that the Trade Adjustment Assistance program was generally designed to address.

Further, a discussion with an official at the U.S. Customs Service clarified that, when software is considered dutiable, the tariff is based on the cost of the media (such as paper, CD, or computer disk) and not on the value of the information contained on the media. As the customized computer code in question for this worker group is transmitted electronically, no value could be assessed in terms of import impact.

In addition, the 2002 edition of the North American Industrial Classification System (NAICS), a standard used by the Department to categorize products and services, designates "establishments primarily engaged in writing, modifying, testing, and supporting software to meet the needs of a particular customer" as "Custom Computer Programming Services" (NAICS 541511).

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

#### 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 17th day of December, 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-1437 Filed 1-22-04; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-52,362]

##### **Cookson Electronics, Assembly Material Group, a Division of Frys Metals, Inc., d/b/a Alpha Metals, Jersey City, NJ; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Cookson Electronics, Assembly Material Group, a division of Frys Metals, Inc., d/b/a Alpha Metals, Jersey City, New Jersey. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,362; Cookson Electronics, Assembly Material Group, a div. of Frys Metals, Inc., d/b/a Alpha Metals, Jersey City, NJ (January 8, 2004).

Signed at Washington, DC this 14th day of January 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 04-1435 Filed 1-22-04; 8:45 am]

BILLING CODE 4510-30-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-52,627]

##### **Flextronics Logistics, Including Leased Workers of Wood Personnel, Mount Juliet, TN; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Flextronics Logistics, including leased workers of Wood Personnel, Mount Juliet, Tennessee. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,627; Flextronics Logistics, including leased Workers of Wood Personnel, Mount Juliet, Tennessee (January 7, 2004)

Signed at Washington, DC this 14th day of January 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 04-1433 Filed 1-22-04; 8:45 am]

BILLING CODE 4510-30-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-53,187]

##### **Harriet & Henderson Yarns, Inc., Corporate Office, Henderson, NC; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Harriet & Henderson Yarns, Inc., Corporate Office, Henderson North Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-53,187; Harriet & Henderson Yarns, Inc. Corporate Office, Henderson, North Carolina (January 8, 2004)

Signed at Washington, DC this 14th day of January 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 04-1429 Filed 1-22-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,709]

#### Kana Software, Inc., Research & Development Department, Menlo Park, CA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Kana Software, Inc., Research & Development Department, Menlo Park, California. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,709; Kana Software, Inc., Research & Development, Menlo Park, California (December 31, 2003)

Signed at Washington, DC this 14th day of January 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 04-1432 Filed 1-22-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total

or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 2, 2004.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 2, 2004.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 12th day of January, 2004.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

## APPENDIX

[Petitions Instituted Between 12/22/2003 and 12/24/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
53,849	Smurfit-Stone (FL)	Jacksonville, FL	12/22/2003	12/19/2003
53,850	Combined Specialty Group, Inc. (GA)	Alpharetta, GA	12/22/2003	12/19/2003
53,851	Dura/Amco Joint Venture (UAW)	Adrian, MI	12/22/2003	12/17/2003
53,852	Solid Wood Systems, Inc. (Comp)	High Point, NC	12/22/2003	12/15/2003
53,853	Four Leaf Textiles, LLC (Comp)	Spindale, NC	12/22/2003	12/19/2003
53,854	Warnaco (CT)	Milford, CT	12/22/2003	12/18/2003
53,855	American Fast Print (Wkrs)	Spartanburg, SC	12/22/2003	11/28/2003
53,856	Rock-Tenn Co. (Wkrs)	El Paso, TX	12/22/2003	10/29/2003
53,857	Parkdale America (Comp)	Caroleen, NC	12/22/2003	12/12/2003
53,858	Elo TouchSystems, Inc. (Comp)	Fremont, CA	12/22/2003	12/11/2003
53,859	Crane Plumbing (Wkrs)	Mansfield, OH	12/22/2003	12/06/2003
53,860	U2 Technology, Inc. (Comp)	Wasilla, AK	12/22/2003	12/17/2003
53,861	Franklin Mint (Wkrs)	Franklin Center, PA	12/23/2003	12/12/2003
53,862	Questar Medical, Inc. (MN)	Eden Prairie, MN	12/23/2003	12/22/2003
53,863	Meadow River Enterprises, Inc. (Wkrs)	Lewisburg, WV	12/23/2003	12/16/2003
53,864	Lu-Mac, Inc. (Comp)	Ford City, PA	12/23/2003	12/22/2003
53,865	American Standard (Wkrs)	Chandler, AZ	12/23/2003	12/17/2003
53,866	Schott Scientific Glass, Inc. (USWA)	Parkersburg, WV	12/23/2003	12/22/2003
53,867	Foretdert Malt Co., Inc. (UAW)	Milwaukee, WI	12/23/2003	12/19/2003
53,868	Signage, Inc. (Comp)	Centerville, TN	12/23/2003	12/19/2003
53,869	Florida Tile Industries, Inc. (FL)	Lakeland, FL	12/23/2003	12/19/2003
53,870	Hoffman LaRoche, Inc. (NJ)	Nutley, NJ	12/23/2003	12/22/2003
53,871	PolyOne, Inc. (NJ)	Burlington, NJ	12/23/2003	12/23/2003
53,872	Metso Mineral Industries, Inc. (Comp)	Colo. Springs, CO	12/23/2003	12/22/2003
53,873	Olympic West Sportswear, Inc. (Comp)	Puyallup, WA	12/23/2003	12/22/2003
53,874	Cascade West Sportswear, Inc. (Comp)	Puyallup, WA	12/23/2003	12/22/2003
53,875	Cascadia de Mexico, Inc. (Comp)	Puyallup, WA	12/23/2003	12/22/2003
53,876	Schlegel Systems, Inc. (Wkrs)	Rochester, NY	12/24/2003	12/15/2003
53,877	Unifrax Corp. (Comp)	Niagara Falls, NY	12/24/2003	12/17/2003
53,878	NVF Company (PACE)	Kennett Square, PA	12/24/2003	12/16/2003
53,879	Johnson-Rose Corp. (Comp)	Lockport, NY	12/24/2003	12/17/2003