

exchange, annuities, private wealth management, private banking, cash management, and credit and capital market services. In addition, it was determined that neither Mellon Bank nor the petitioning workers produce an "article" within the meaning of the Trade Act of 1974.

The remand investigation also revealed that the petitioning workers designed and developed computer software applications that allow the subject company to provide financial services to its customers, such as software that were custom-designed to fit end-users' needs and produced reports that are electronically transmitted to the customer. These applications are not sold as manufactured products to the general public or sold as a component to an article that is available to the general public.

While the Department considers workers who are engaged in the mass copying of software and manufacturing of the medium upon which the software is stored, such as compact disks and floppy disks, to be production workers, the Department does not consider the design and development of the software itself to be production and, therefore, does not consider software designers and developers to be production workers.

The U.S. Customs Service does not regard software design and development as a tangible commodity and determines the value of software based only on the cost of the carrier media, such as compact discs, floppy disks, records, and tapes. Further, computer software is not listed on the Harmonized Tariff Schedule of the United States (HTS), a code that represents an international standard maintained by most industrialized countries as established by the International Convention on the Harmonized Commodity Description and Coding.

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. While 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.

### 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 Mellon Bank, N.A., Pittsburgh, Pennsylvania.

Signed at Washington, DC, this 6th day of January, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-652 Filed 1-12-04; 8:45 am]

**BILLING CODE 4510-30-P**

### DEPARTMENT OF LABOR

#### Employment and Training Administration

[TA-W-53,503]

#### **NTN-BCA Corporation, A Wholly Owned Subsidiary of NTN-USA, Greensburg, IN; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 12, 2003, in response to a petition filed by a company official on behalf of workers at NTN-BCA Corporation, a wholly owned subsidiary of NTN-USA, Greensburg, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation would serve no purpose, and the investigation is terminated.

Signed at Washington, DC this 23rd day of December, 2003.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-641 Filed 1-12-04; 8:45 am]

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### DEPARTMENT OF LABOR

#### Employment and Training Administration

[TA-W-52,132]

#### **Pennsylvania House, Inc., Clayton-Marcus Co., Inc., Ladd Furniture, Inc., Monroe, 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 July 29, 2003, applicable to workers of Pennsylvania House, Inc., Monroe,

North Carolina. The notice was published in the **Federal Register** on August 14, 2003 (68 FR 48643).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of upholstered furniture.

Information shows that Pennsylvania House, Inc. and Clayton-Marcus Co., Inc. are wholly-owned subsidiaries of Ladd Furniture, Inc. Workers separated from employment at the subject firm had their wages reported under separate unemployment insurance (UI) tax accounts for Clayton-Marcus Co., Inc. and Ladd Furniture, Inc.

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 Pennsylvania House, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA-W-52,132 is hereby issued as follows:

All workers of Pennsylvania House, Inc., Clayton-Marcus Co., Inc., Ladd Furniture, Inc., Monroe, North Carolina, who became totally or partially separated from employment on or after June 23, 2002 through July 29, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 16th day of December 2003.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-653 Filed 1-12-04; 8:45 am]

**BILLING CODE 4510-30-P**

### DEPARTMENT OF LABOR

#### Employment and Training Administration

[TA-W-53,706]

#### **Philips Electronics, Advanced Transformer Division, Chicago, IL; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 4, 2003 in response to a worker petition filed on behalf of workers at Philips Electronics, Advanced Transformers Division, Chicago, Illinois.

The petitioning group of workers is covered by an active certification issued on December 5, 2003 and which remains in effect (TA-W-53,614). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 15th day of December 2003.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-646 Filed 1-12-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,657]

#### RMG Foundry, LLC, Mishawaka, IN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 28, 2003 in response to a petition filed by a company official on behalf of workers at RMG Foundry, LLC, Mishawaka, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 17th day of December 2003.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-644 Filed 1-12-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,720]

#### Teleperformance USA, Butte, MT; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 5, 2003 in response to a petition filed by a company official on behalf of workers at Teleperformance USA, Butte, Montana.

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

Signed in Washington, DC, this 16th day of December 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-647 Filed 1-12-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-41,889]

#### United Container Machinery, Inc., Glen Arm, MD; Notice of Revised Determination on Remand

The United States Court of International Trade (USCIT) granted the Department of Labor's request for voluntary remand of the negative determination on reconsideration in *Former Employees of United Container Machinery, Inc. v. U.S. Secretary of Labor* (Court No. 03-00346).

The Department's denial of Trade Adjustment Assistance (TAA) for the workers of United Container Machinery, Inc., Glen Arm, Maryland was issued on November 29, 2002, and was published in the **Federal Register** on December 23, 2002 (67 FR 78257). The investigation concluded that imports of products like or directly competitive with machinery for corrugated boxes produced at the subject company did not contribute importantly to the layoffs at the subject company during the relevant time period.

By letter dated January 1, 2003, the petitioner requested administrative reconsideration of the negative determination. The petitioner alleged that the subject worker group should be eligible for TAA because they were previously certified, that the subject company imported competitive products from Hungary, and that the subject company's customers may be importing. The Notice of Negative Determination Regarding Application for Reconsideration was issued on March 25, 2003, and was published in the **Federal Register** on April 7, 2003 (68 FR 16844). The request was denied because the information contained in the reconsideration request and the Department's follow-up inquiry concerning such information did not reveal a basis for further detailed investigation.

In response to the petitioner's appeal to the U.S. Court of International Trade, the Department requested, and was granted, a voluntary remand.

In the remand investigation, the Department requested from company officials information regarding the history of the subject company, company imports, details of the merger in which the subject company acquired the facility in Hungary, customer information, and clarification about alleged foreign affiliations.

The remand investigation revealed that the subject facility produced

processed corrugated rolls. Corrugated rolls are large metal cylinders that are used to produce corrugated material. A paper matter is squeezed between pairs of corrugated rolls to make large flattened sheets used to make corrugated boxes.

There are two versions of processed corrugated rolls: smooth and fluted. The Glen Arm, Maryland facility produces both smooth and fluted processed corrugated rolls. The Hungary plant makes only smooth processed corrugated rolls. The smooth and fluted rolls function in the same way "a paper product is squeezed between the rolls to make large sheets of flat board. The process of making the two versions is the same, except that fluted rolls include an extra step of ridging (scoring the smooth surface so that it makes ridges in the end product). Further, the two versions produce the same end product—the end paper product of the smooth rolls is a large sheet of smooth flat board; the end paper product of the fluted rolls is a large sheet of fluted flat board. Thus, the two versions are like and directly competitive.

In July 2002, Barry-Wehmiller Company purchased United Container Machinery, Inc. The purchase included the Glen Arm, Maryland facility and the facility in Hungary.

The rolls made in Hungary are shipped to European customers and to the Glen Arm, Maryland facility. The smooth corrugated rolls sent to the Glen Arm, Maryland facility either satisfy domestic smooth corrugated roll customers or are processed to make fluted materials. The further processing includes ridging the smooth corrugated rolls, polishing the rolls, and testing the modified final product.

A careful review of the additional information supplied by the company revealed that the Glen Arm, Maryland facility experienced production and employment declines and that imports of processed corrugated rolls from Hungary remained steady during the corresponding time period. Therefore, the Department concludes the subject company increased its reliance upon imported processed corrugated rolls during the relevant time period.

#### Conclusion

After careful review of the additional facts obtained on the current remand, I conclude that there was an increased reliance on imported processed corrugated rolls like or directly competitive with those produced at the subject firm, and that such increased reliance on imports contributed importantly to the worker separations and sales or production declines at the