

work performed at the subject facility as a service. The petitioner further compares software programs developed under the auspices of Accenture to Microsoft software packages and computer games which are packaged and sold as "products". Consequently, the petitioner concludes that software developed by the subject group of workers should be considered a product as well.

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 at the subject firm are engaged in application development and maintenance services of a trust accounting software to a customer, which in its turn provides investment processing services for financial institutions. Accenture workers perform application fault fixes, enhancements and modifications. The official further clarified that software developed by the subject group of workers is not recorded on media devices for further distribution. All Accenture activities are performed on the application code residing on customer's mainframe and transferred electronically.

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 development and maintenance 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 databases 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 products that customs officials inspect

and that the TAA program was generally designed to address. The Department does acknowledge software as a product in cases when the software is recorded and marketed on a physical media device, in which case the process of recording (burning) is considered a production and the physical media device a product.

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

The company official stated that Accenture LLP did transfer a number of junior level Programmer-Analyst positions to Philippines during the relevant time period. However, none of these positions involve any sort of production. The Philippine team of analysts is performing programming activities by remotely accessing mainframe system, which is located in Oaks, Pennsylvania and making changes directly to the software on that system. Informational material that is electronically transmitted is not considered production within the context of TAA eligibility requirements, so there are no imports of products in this instance. Further, as the edited material does not become a product until it is recorded on media device, there was no shift in production of an "article" within the meaning of the Trade Act of 1974.

#### 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 21st day of May, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-12383 Filed 6-1-04; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,002]

#### **Asti, Inc., Transaction Printer Group, Inc., Riverton, Wyoming; Notice of Negative Determination Regarding Application for Reconsideration**

By application of March 21, 2004, 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 was signed on February 25, 2004 and published in the **Federal Register** on April 6, 2004 (69 FR 18109).

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, filed on behalf of workers at Asti, Inc., Transaction Printer Group, Inc., Riverton, Wyoming engaged in the production of impact printers, was denied because the "contributed importantly" group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a survey of the subject firm's major customers regarding their purchases of impact printers in 2002 and 2003. The respondents reported no increased imports. The subject firm did not increase its reliance on imports of impact printers during the relevant period, nor did it shift production to a foreign source.

The petitioner alleges that the layoffs at the subject firm are attributed to a shift in production from Riverton plant and from another manufacturing facility in Ithaca, New York to Mexico in 1999. To support this statement, the petitioner attached a letter signed by the General Manager of Axiohm dated July 28, 1999 which announces a shift of manufacturing operations from the

Riverton plant to be completed by December 1999.

A company official was contacted to clarify whether a shift in production occurred within the subject firm during 2003 and 2004. The official confirmed directly that there was no shift in production from the subject firm to the Mexican facility in the relevant time period. A shift to Mexico mentioned by the petitioner took place in 1999, which is outside of the relevant time period.

The official further stated that though the subject firm does own a facility in Mexico, products manufactured there are not like or directly competitive with those manufactured at the Riverton plant.

### 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 21st day of May, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-12385 Filed 6-1-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,210]

#### Connector Service Corporation, Overland Bolling Company, Dallas, TX; 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 and Alternative Trade Adjustment Assistance on November 21, 2003, applicable to workers of Connector Service Corporation, Dallas, Texas. The notice was published in the **Federal Register** on December 29, 2003 (68 FR 74979).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of electronic connectors.

New information shows that Connector Service Corporation

purchased Overland Bolling Company in 2003. Workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Overland Bolling Company.

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 Connector Service Corporation who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA-W-53,210 is hereby issued as follows:

All workers of Connector Service Corporation, Overland Bolling Company, Dallas, Texas, who became totally or partially separated from employment on or after October 9, 2002, through November 21, 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.

Signed at Washington, DC, this 21st day of May, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-12387 Filed 6-1-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,061; TA-W-54,061I]

#### Eastern Pulp and Paper Co., Inc., Lincoln Pulp and Paper Plant, Lincoln, ME, Including Employees of Eastern Pulp and Paper Co., Inc., Lincoln Pulp and Paper Plant Operating at Various Locations in the State of New York: 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 and Alternative Trade Adjustment Assistance on January 30, 2004, applicable to workers of Eastern Pulp and Paper Co., Inc., Lincoln Pulp and Paper Plant, Lincoln, Maine. The notice was published in the **Federal Register** on February 6, 2004 (69 FR 5868).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that worker

separations have occurred involving employees of the Lincoln, Maine location of the subject firm operating at various locations in the state of New York. These employees provide administrative, sales and marketing support function services for the production of paper, tissue paper and wood pulp produced at the Lincoln, Maine location of the subject firm.

Based on these findings, the Department is amending this certification to include employees of the of the Lincoln, Maine location of Eastern Pulp and Paper Co., Inc. operating at various locations in the state of New York.

The intent of the Department's certification is to include all workers of Eastern Pulp and Paper Co., Inc., Lincoln Pulp and Paper Plant who were adversely affected by increased imports.

The amended notice applicable to TA-W-54,061 is hereby issued as follows:

All workers of Eastern Pulp and Paper Co., Inc., Lincoln Pulp and Paper Plant, Lincoln, Maine (TA-W-54,061), including employees of Eastern Pulp and Paper Co., Inc., Lincoln Pulp and Paper Plant, Lincoln, Maine operating at various locations in the state of New York (TA-W-54,061I), who became totally or partially separated from employment on or after January 16, 2003, through January 30, 2006, 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 30th day of April, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-12384 Filed 6-1-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,515]

#### Eastman Kodak Company, Customer Service Call Center, Rochester, New York; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 16, 2004, in response to a petition filed by the company on behalf of workers at Eastman Kodak Company, Customer Service Call Center, Rochester, New York.

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