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. But, 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 argues that the petitioning worker group did not simply ''provide services'', asserting that, because the data entry took the form of databases recorded on CD–ROMs, they ''handed over goods.''

Electronically generated information is not considered production in the context of assessing worker group eligibility for trade adjustment assistance. The fact that the device used to record electronically generated information processed by the petitioning workers has a physical form does not qualify the petitioning worker group as having produced an article.

The petitioner also alleges that imports impacted layoffs, asserting that because workers lost their jobs due to a transfer of job functions to India, 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.

The petitioner appears to assert that the Division of Trade Adjustment Assistance is ''supposed to look at each case individually'' in assessing the eligibility of worker groups for TAA. The petitioner also appears to suggest that, because the workers performed services that involved ''newer technology'', the meaning of ''article'' as defined in the Trade Act is outdated, and therefore irrelevant.

In fact, the eligibility of petitioning worker groups is considered exclusively within the context of section 222 of the Trade Act.

In conclusion, the workers at the subject firm did not produce an article within the meaning of section 222(3) 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 17th day of March, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8354 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,170]

Erasteel, Inc., McKeesport, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application of February 6, 2003, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on January 24, 2003, and published in the **Federal Register** on February 24, 2003 (67 FR 8622).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Erasteel, Inc., McKeesport, Pennsylvania was denied because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of imported cold drawn steel.

The petitioners state that their major customer imports high speed drill bits and blanks, and that these items are ''like or directly competitive with articles produced by'' subject firm workers. In a clarifying conversation with one of the petitioners, he stated that the steel produced at the subject firm was processed in such a way that its only possible end use was to form it into the drill bits and blanks produced by the customer.

The term ''like or directly competitive'' is drawn from a paragraph in section 222 of the Trade Act. In this paragraph, a ''like'' competitive product is described as an article which is ''substantially identical in inherent or intrinsic characteristics.'' A ''competitive product'' is described as an article which ''is substantially equivalent for commercial purposes.'' As the subject firm produces drawn steel and not drills bits or blanks, the subject firm products are not ''like'' or ''identical'' to potential customer imports of drill bits and blanks. Further, the drawn steel cannot be used for the same commercial purposes as the finished drill bits and blanks. Thus subject firm products are not ''like or directly'' competitive with alleged customer imports as stated in section 222(3) of the Trade Act.

The petitioners also allege that the subject firm imported competitive products in the relevant period. In an attempt to clarify this allegation, a petitioner was contacted. In response to a request for clarification, the petitioner stated that the subject firm briefly imported semi-finished steel coils for further processing at the subject firm; specifically, coils were imported that were sized to thinner dimensions at the subject firm. However, the subject firm stopped importing this semi-finished product prior to petitioner layoffs, according to the petitioner.

As described by the petitioner, the steel imported is not ''like or directly'' competitive with the steel produced by the subject firm. Further, a company official was contacted in regard to this allegation. The official clearly stated that the company did not import competitive drawn and ground bars. In response to the issue of imported coils, the official stated that the company only imported for a very brief period and that these imports did not prompt layoffs.

Finally, the petitioners acknowledge that a domestic shift in production caused the closure of the McKeesport facility.

However, they also assert that the need for Erasteel to consolidate their production was a direct result of business lost from their major customer, and that this customer was importing competitive products.

As has already been established, the major declining customer did not import ''like or directly'' competitive products.

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 18th day of March, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8353 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,986]

F.L. Smithe Machine Company, Inc., Duncanville, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 26, 2003, in response to a worker petition filed by the International Association of Machinists and Aerospace Workers, Local Lodge 2348, on behalf of workers at F.L. Smithe Machine Company, Inc., Duncanville, Pennsylvania.

The petitioning group of workers is covered by an active certification issued on April 6, 2001 (TA–W–38,752). Consequently, the investigation has been terminated.

Signed at Washington, DC this 24th day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8343 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,907]

Frametome Connectors, Inc., Communications, Data and Consumer Division, Fiber Optics Group, a Member of the Areva Group, Etters, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 14, 2003 in response to a petition filed on behalf of workers at Frametome Connectors USA, Inc., Communications, Data and Consumer Division, Fiber Optics Group, the Areva Group, Etters, Pennsylvania.

The petitioning group of workers is covered by an active certification issued on March 26, 2003 and which remains in effect (TA–W–50,122). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 26th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8342 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,285]

Honeywell International, ACS-Control Products, Albuquerque, NM; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 24, 2003 in response to a petition filed by a company official on behalf of workers at Honeywell International, ACS-Control Products, Albuquerque, New Mexico.

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

Signed at Washington, DC this 25th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8347 Filed 4–4–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–42,256]

Jackson Sewing Center, Madisonville, TN; Notice of Negative Determination on Reconsideration

On February 19, 2003, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The Department initially denied the workers of Jackson Sewing Center, Madisonville, Tennessee because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. Imports of sewn furniture parts did not contribute importantly to the layoffs at the subject plant. The workers at the subject firm were engaged in employment related to the manufacture (sewing) of upholstered furniture parts. The sewn articles were sent to other affiliated plants to be incorporated into upholstered furniture.

The petitioner asserts that company sales were down and thus the company was attempting to cut costs by importing Chinese products (cut-sewn fabric for furniture) competitive with those produced by the subject plant. The petitioner further alleges that, during September 2002, some ''parts'' from China were seen at an affiliated plant. The petitioner also supplied style numbers believed to be imported from China.

On reconsideration, the Department contacted the company for further clarification concerning company imports of cut-sewn fabric for upholstered furniture. In response to the style numbers supplied by the petitioner, the company indicated that, with the exception of one style number, they did not import these products. The one style number imported (7866) constituted a negligible amount in relation to production at the subject firm and the company further indicated this was a one time event during 2002, and in fact was not even produced at the subject firm, but rather at an affiliated facility. (However, the subject plant had the capability to produce that style.)

The company also reported that they imported cut-sewn leather furniture parts and tables but that they did not produce cut-sewn leather furniture parts and tables. In any event, the amount of imported cut-sewn leather furniture parts was extremely small in relation to production at the Madisonville plant during January through September 2002. In fact, the imported pre-cut and sewn leather covers were purchased from manufacturers that specialize in producing these products. The company indicated that the investment in equipment and training would far exceed any profitability they could expect in such a program.

The company also indicated that they imported tables during the relevant period. However, since the worker group does not produce this product,