

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]

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

**Timothy Sullivan,**

*Director, Division of Trade Adjustment Assistance.*

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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.*

**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)

**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

**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 Prarie, 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	Foredtert 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	Cascada 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

## APPENDIX—Continued

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

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
53,880 .....	Smurfit-Stone Container Corp. (Wkrs) .....	Philadelphia, PA .....	12/24/2003	12/15/2003
53,881 .....	Tillotson Rubber (Comp) .....	Fall River, MA .....	12/24/2003	12/08/2003
53,882 .....	International Mill Service (USWA) .....	Midland, PA .....	12/24/2003	12/04/2003
53,883 .....	H and J Leather (Wkrs) .....	Johnstown, NY .....	12/24/2003	12/15/2003
53,884 .....	S. J. Bailey and Son, Inc. (Wkrs) .....	Carbondale, PA .....	12/24/2003	12/17/2003

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-52,574]

**Waggoner/Parker Fisheries, Kenai, AK; 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 Waggoner/Parker Fisheries, Kenai, Alaska. 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-52,574; Waggoner/Parker Fisheries, Kenai, Alaska (December 31, 2003)

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

**Timothy Sullivan,***Director, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-53,093]

**The William Carter Company, Operations Division, Central Planning Department, Griffin, GA; 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 The William Carter Co., Operations Div., Central Planning Department, Griffin, Georgia. 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-53,093; The William Carter Co., Operations Division, Central Planning Department, Griffin, Georgia (January 8, 2004)

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

**Timothy Sullivan,***Director, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR****Employment and Training Administration**

[NAFTA-6472]

**Ericsson, Inc., Brea, CA; Notice of Negative Determination on Reconsideration on Remand**

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a voluntary remand for further investigation in *Former Employees of Ericsson, Inc. v. Elaine Chao, U.S. Secretary of Labor* (Court No. 02-00809).

The Department's initial negative determination for the workers of Ericsson, Inc. (hereafter "Ericsson") was issued on September 24, 2002 and published in the **Federal Register** on October 10, 2002 (67 FR 63160). The determination was based on the finding that workers did not produce an article within the meaning of Section 250(a) of the Trade Act of 1974, as amended. The Department determined that the workers develop computer software for other Ericsson units. The petitioners did not appeal to the Department for administrative reconsideration.

By letter to the U.S. Court of International Trade, filed on December 18, 2002, the petitioner requested judicial review. The petitioner asserted that the Department did not conduct a full investigation of the petition, that the workers were misclassified as service

providers, and that the Department incorrectly applied the eligibility criteria.

On remand, the Department conducted an investigation to determine whether the petitioners were production workers and, if so, whether the workers were eligible to apply for NAFTA-TAA. The remand investigation consisted of independent research and analysis of software as a commodity and multiple requests of additional information from the petitioners and the subject company regarding the functions of the subject worker group.

The initial investigation revealed that Ericsson is a global supplier of mobile communication systems and solutions, that the subject facility developed software applications for other Ericsson units, the absence of production at the subject facility, and that the petitioning worker group developed software components which enable base station units (controllers) to route cellular phone calls for customers with service contracts with Ericsson. The investigation also revealed that the subject facility did not support an affiliated facility covered by an existing certification.

The remand investigation revealed that the petitioning workers designed and programmed software which enabled base stations (routing equipment) to properly route cellular phone messages pursuant to customers' telecommunication needs. The software was 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