Signed in Washington, DC, this 8th day of May, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–12563 Filed 5–19–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,382]

OEM Worldwide, Spearfish, South Dakota; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 1, 2003, in response to a petition filed by a company official on behalf of workers at OEM Worldwide, Spearfish, South Dakota.

The petitioner has requested that the petition be withdrawn.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

Signed in Washington, DC, this 9th day of May, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–12562 Filed 5–19–03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,185]

Pittsburgh Logistics Systems, A Subsidiary of Quadrivius, Inc. on Location at LTV Steel Corp.; Independence, Ohio; Notice of Negative Determination of Reconsideration on Remand

The United States Court of International Trade (USCIT) remanded for further investigation of the Secretary of Labor's negative determination in *Former Employees of Pittsburgh Logistics Systems* v. *U.S. Secretary of Labor* (02–00387).

The petition listed Pittsburgh Logistics Systems (PLS) in Rochester, Pennsylvania and PLS in Independence, Ohio as the workers' firm and relevant subdivision. Administrative Record (AR), 3. Therefore, Department of Labor (DOL) investigated both facilities for possible certification. AR, 15. DOL's initial denial of the petition for certification of both worker groups was issued March 29, 2002 and published in the **Federal Register** on April 17, 2002 (67 FR 18923). DOL determined neither facility fulfilled the requirements because, in short, the workers' firm did not produce an article as required by section 222(a)(3) of the Act. AR 17–19.

The PLS Independence, Ohio worker group requested administrative reconsideration on April 29, 2002 as they felt ''that Department of Labor's decision is in error because: Our jobs were eliminated due to lack of work caused by LTV Steel Co., Inc., shutdown due to imports.'' AR 25. DOL denied the request, finding that LTV's closure ''is not relevant'' because the ''subject workers may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership, or a firm otherwise related to the subject firm by control.'' AR 28. DOL's denial was issued on May 30, 2002 and published in the **Federal Register** on June 12, 2002 (67 FR 40341).

Mr. Robert Weintzetl, on behalf of the other petitioners, appealed to the CIT on May 29, 2002, and, on September 5, 2002, attorneys at King & Spalding representing the petitioners *pro bono* filed an amended complaint. On February 28, 2003, the CIT issued an Order remanding the case to DOL ''for redetermination consistent with this Opinion of whether the plaintiffs were eligible for TAA benefits, either as 'production' workers or 'service' workers.'

On the point of whether the employees should be certified as production workers, the CIT ordered DOL to clarify on remand why the work of ''manag[ing] warehousing and distribution'' and ''managing traffic and processing of freight invoices'' makes a petitioner ineligible for certification as a production worker. *Former Employees of Pittsburgh Logistics Systems* v. *United States Secretary of Labor,* Slip Op. 03–21, February 28, 2003, pg. 13. Regarding whether the employees should be certified as service workers, the CIT found that DOL had failed to fully investigate and articulate the ''corporate control'' issue that is part of DOL's service worker analysis.

Section 222(a)(3) of the Trade Act establishes that DOL must not certify a group unless ''increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.'' The phrase of particular importance in this case is ''articles produced by such workers' firm or an appropriate subdivision thereof.'' Under this requirement, DOL must deny certification to a worker group unless the workers' firm or an appropriate subdivision of the workers' firm produced an import-impacted article.

DOL's interpretation of the phrase ''appropriate subdivision thereof'' is limited to related or affiliated firms; cannot be expanded to encompass two unaffiliated firms. This interpretation of the phrase ''appropriate subdivision'' is consistent with section 222(a)(1) which requires DOL to consider whether a significant number of workers have been separated from ''the workers' firm or appropriate subdivision of the firm.'' Because the Act clearly limits ''appropriate subdivision'' to just ''the'' workers' firm in the first requirement, DOL understands Congress to have intended to similarly limit ''appropriate subdivision'' in the immediately following requirements.

This limitation is reflected in the regulations. The regulatory definition of ''firm'' states, ''[a] firm, together with any predecessor or successor-in-interest, or together with any affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm.'' 29 CFR 90.2. This language allows the phrase ''workers' firm'' to include more than one entity, but only to the extent that those multiple entities are ''controlled or substantially beneficially owned by substantially the same persons.'' Section 90.2 of the regulations defines ''appropriate subdivision'' as one of three types of subdivisions, none of which permit the inclusion of a worker group employed by one firm to be included as within the ''appropriate subdivision'' of another, unaffiliated firm. The first two types of ''appropriate subdivisions'' are expressly limited to one ''firm'': either ''an establishment in a multi-establishment firm'' or ''a distinct part or section of an establishment (whether or not the firm has more than one establishment) where the articles are produced.'' ''One definition of establishment * * * is 'a permanent organization,' and would encompass any subdivision *up to* the size of the entire corporation.'' (Emphasis added.) *International Union, UAW* v. *Marshall,* 584 F.2d 390 (D.C. Cir. 1978).

The third type of ''appropriate subdivision'' encompasses ''auxiliary facilities operated in conjunction with (whether or not physically separate from) production facilities.'' This broadens the term ''appropriate subdivision'' to include a facility that does not produce an article. However, this definition ''has connotations that a