

Illinois. The company official reported that the development stage of D3 product is currently in the process of being outsourced to India. The company official further stated that development process which will begin in India will result in engineers developing source codes which will be electronically transmitted to the United States for further modification, stamping and distribution to customers.

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 design, developing and coding 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 software 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 employment work products that customs officials inspect and that the TAA program was generally designed to address.

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.

Finally, the petitioner alleges that the workers of the subject firm meet the requirements for TAA on the basis that "workers' separation was caused by a reduced demand for services from a parent firm."

The petitioner should note that this criterion applies to a workers group only when their separations are caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA. The investigation revealed no such affiliations.

#### 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 6th day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-3928 Filed 2-23-04; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-53,990]

##### **Quadelle Textile Corporation, West New York, NJ; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 2004 in response to a worker petition which was filed by a company official on behalf of workers at Quadelle Textile Corporation, West New York, New Jersey (TA-W-53,990).

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 10th day of February, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-3919 Filed 2-23-04; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-54,078]

##### **Sappi Fine Paper, Cloquet, Minnesota; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 26, 2004 in response to a worker petition filed on behalf of workers at Sappi Fine Paper, Cloquet, Minnesota.

The petitioning group of workers is covered by an earlier petition filed on January 15, 2004 (TA-W-54,013) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 2nd day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-3924 Filed 2-23-04; 8:45 am]

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-53,174 and TA-W-53,174A]

##### **Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio, Including an Employee of Sinclair Collins, div. of Hannafin Corporation, Located in Nashville, Tennessee; 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 on November 12, 2003, applicable to workers of Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio. The notice was published in the **Federal Register** on December 29, 2003 (68 FR 74979).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. New information shows that a worker was separated involving an employee of the Akron, Ohio facility of Sinclair Collins, div. of Parker Hannafin Corporation located in Nashville, Tennessee. This

employee provided sales, marketing, warranty issues and general support services for the production of industrial valves for tire manufacturers at the Akron, Ohio location of the subject firm.

Based on these findings, the Department is amending this certification to include an employee of the Akron, Ohio facility of Sinclair Collins, div. of Parker Hannafin Corporation, located in Nashville, Tennessee.

The intent of the Department's certification is to include all workers of Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio, who were adversely affected by increased imports.

The amended notice applicable to TA-W-53,174 is hereby issued as follows:

All workers of Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio (TA-W-53,174), including an employee of Sinclair Collins, div. of Parker Hannafin Corporation, Akron Ohio, located in Nashville, Tennessee (TA-W-53,174A), who became totally or partially separated from employment on or after October 1, 2002, through November 12, 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 in Washington, DC this 4th day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-3931 Filed 2-23-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-51,655]

#### Timeplex, LLC, a Division of Platinum Equity Holdings, Hackensack, NJ; Notice of Revised Determination on Reconsideration

On November 21, 2003, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 19, 2003 (68 FR 70838-70839).

On June 10, 2003 the Department initially denied TAA to workers of Timeplex, LLC, a division of Platinum Equity Holdings, Hackensack, New Jersey producing telecommunications equipment because the "contributed importantly" group eligibility

requirement of section 222 of the Trade Act of 1974 was not met.

On reconsideration, the department surveyed customers of the subject plant regarding their purchases of telecommunications equipment during 2001, 2002, and January through May of 2003 over the corresponding period in 2002. The survey revealed that major declining customer(s) increased their imports of telecommunications equipment, while decreasing their purchases from the subject plant during the relevant period.

#### Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with telecommunications equipment, contributed importantly to the declines in sales or production and to the total or partial separation of workers of Timeplex, LLC, a division of Platinum Equity Holdings, Hackensack, New Jersey. In accordance with the provisions of the Act, I make the following certification:

All workers of Timeplex, LLC, a division of Platinum Equity Holdings, Hackensack, New Jersey who became totally or partially separated from employment on or after April 28, 2002 through two years of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 12th day of February 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-3913 Filed 2-23-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,956]

#### Tomken Enterprises, Hildebran, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 7, 2004, in response to a petition filed by the company on behalf of workers at Tomken Enterprises, Hildebran, North Carolina.

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 at Washington, DC, this 11th day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-3918 Filed 2-23-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,770]

#### Tower Mills, Inc., Burlington, NC; Notice of Revised Determination on Reconsideration

By application of December 12, 2003, a petitioner requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on November 3, 2003, based on the finding that imports of hosiery, spandex tights, pantyhose and trouser socks did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on November 28, 2003 (68 FR 66878).

To support the request for reconsideration, the company official supplied additional major declining customers to supplement those that were surveyed during the initial investigation. Upon further review and contact with these customers of the subject firm, it was revealed that they increased their import purchases of socks and hosiery during the relevant period. The imports accounted for a meaningful portion of the subject plant's lost sales and production.

It was further revealed that U.S. aggregate imports of socks and hosiery increased significantly during the relevant period.

In accordance with section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the