

exchange, annuities, private wealth management, private banking, cash management, and credit and capital market services. In addition, it was determined that neither Mellon Bank nor the petitioning workers produce an "article" within the meaning of the Trade Act of 1974.

The remand investigation also revealed that the petitioning workers designed and developed computer software applications that allow the subject company to provide financial services to its customers, such as software that were custom-designed to fit end-users' needs and produced reports that are electronically transmitted to the customer. These applications are 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 as a tangible commodity and determines the value of software based only on the cost of the carrier media, such as compact discs, floppy disks, records, and tapes. Further, computer software is not listed on the Harmonized Tariff Schedule of the United States (HTS), a code that represents an international standard maintained by most industrialized countries as established by the International Convention on the Harmonized Commodity Description and Coding.

Throughout the Trade Act, an article is often referenced as something that can 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. While 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.

## Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Mellon Bank, N.A., Pittsburgh, Pennsylvania.

Signed at Washington, DC, this 6th day of January, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,503]

#### **NTN-BCA Corporation, A Wholly Owned Subsidiary of NTN-USA, Greensburg, IN; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 12, 2003, in response to a petition filed by a company official on behalf of workers at NTN-BCA Corporation, a wholly owned subsidiary of NTN-USA, Greensburg, Indiana.

The petitioner has requested that the petition be withdrawn.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

Signed at Washington, DC this 23rd day of December, 2003.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-52,132]

#### **Pennsylvania House, Inc., Clayton-Marcus Co., Inc., Ladd Furniture, Inc., Monroe, NC; Amended Certification Regarding Eligibility To Apply for Worker 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 July 29, 2003, applicable to workers of Pennsylvania House, Inc., Monroe,

North Carolina. The notice was published in the **Federal Register** on August 14, 2003 (68 FR 48643).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of upholstered furniture.

Information shows that Pennsylvania House, Inc. and Clayton-Marcus Co., Inc. are wholly-owned subsidiaries of Ladd Furniture, Inc. Workers separated from employment at the subject firm had their wages reported under separate unemployment insurance (UI) tax accounts for Clayton-Marcus Co., Inc. and Ladd Furniture, Inc.

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 Pennsylvania House, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA-W-52,132 is hereby issued as follows:

All workers of Pennsylvania House, Inc., Clayton-Marcus Co., Inc., Ladd Furniture, Inc., Monroe, North Carolina, who became totally or partially separated from employment on or after June 23, 2002 through July 29, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 16th day of December 2003.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,706]

#### **Philips Electronics, Advanced Transformer Division, Chicago, IL; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 4, 2003 in response to a worker petition filed on behalf of workers at Philips Electronics, Advanced Transformers Division, Chicago, Illinois.

The petitioning group of workers is covered by an active certification issued on December 5, 2003 and which remains in effect (TA-W-53,614). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.