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

[FR Doc. 04–1428 Filed 1–22–04; 8:45 am]

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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.

[FR Doc. 04–1434 Filed 1–22–04; 8:45 am]

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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.

[FR Doc. 04–1430 Filed 1–22–04; 8:45 am]

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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