

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]

BILLING CODE 4510-30-P

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

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 Ericsson, Inc., Brea, California.

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

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 04-1438 Filed 1-22-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of

laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest

in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut

CT030001 (Jun. 13, 2003)
CT030003 (Jun. 13, 2003)
CT030004 (Jun. 13, 2003)
CT030005 (Jun. 13, 2003)

New Jersey

NJ030001 (Jun. 13, 2003)
NJ030003 (Jun. 13, 2003)
NJ030005 (Jun. 13, 2003)

Volume II

Maryland

MD030002 (Jun. 13, 2003)
MD030008 (Jun. 13, 2003)
MD030016 (Jun. 13, 2003)
MD030031 (Jun. 13, 2003)
MD030036 (Jun. 13, 2003)
MD030043 (Jun. 13, 2003)
MD030046 (Jun. 13, 2003)
MD030047 (Jun. 13, 2003)

Pennsylvania

PA030001 (Jun. 13, 2003)
PA030002 (Jun. 13, 2003)
PA030003 (Jun. 13, 2003)
PA030004 (Jun. 13, 2003)
PA030007 (Jun. 13, 2003)
PA030008 (Jun. 13, 2003)
PA030009 (Jun. 13, 2003)
PA030010 (Jun. 13, 2003)
PA030011 (Jun. 13, 2003)
PA030012 (Jun. 13, 2003)
PA030013 (Jun. 13, 2003)
PA030016 (Jun. 13, 2003)
PA030019 (Jun. 13, 2003)
PA030027 (Jun. 13, 2003)
PA030028 (Jun. 13, 2003)
PA030029 (Jun. 13, 2003)
PA030032 (Jun. 13, 2003)
PA030033 (Jun. 13, 2003)
PA030038 (Jun. 13, 2003)
PA30042 (Jun. 13, 2003)
PA30060 (Jun. 13, 2003)
PA30061 (Jun. 13, 2003)
PA30065 (Jun. 13, 2003)

West Virginia

WV30001 (Jun. 13, 2003)
WV30002 (Jun. 13, 2003)