services are not listed in the HTSUS. Such products are not the type of employment work products that Customs officials inspect and that the TAA program was generally designed to address.

A National Import Specialist was contacted at the U.S. Customs Service to address whether software could be described as an import commodity. The Import Specialist confirmed that electronically transferred material is not a tangible commodity for U.S. Customs purposes. In cases where software is encoded on a medium (such as a CD Rom or floppy diskette), the software is given no import value, but rather evaluated exclusively on the value of the carrier medium. This standard is based on Treasury Decision 85–124 as issued on July 8, 1985 by the U.S. Customs Service. In conclusion, this decision states that ''in determining the customs value of imported carrier media bearing data or instructions, only the cost or value of the carrier medium itself shall be taken into account. The customs value shall not, therefore, include the cost or value of the data or instructions, provided that this is distinguished from the cost or the value of the carrier medium.''

Finally, the North American Industry Classification System (NAICS), published by the U.S. Department of Commerce, designates all manner of custom software applications and software systems, including analysis, development, programming, and integration as ''Services'' (see NAICS #541511 and #541512.)

Only in very limited instances are service workers certified for TAA, namely the worker separations must be 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.

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 26th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17823 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,350]

Leviton Manufacturing Company, Inc., Hillsgrove Division, Warwick, RI; Notice of Revised Determination on Reconsideration

By application of April 21, 2003, a company official 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 March 21, 2003, based on the finding that imports of electrical wiring devices did not contribute importantly to worker separations at the subject plant and that there was no shift to a foreign country. The denial notice was published in the **Federal Register** on April 7, 2003 (68 FR 16833).

To support the request for reconsideration, the company official supplied additional information to supplement that which was gathered during the initial investigation. Upon further review, it was revealed that the company shifted production of electrical wiring devices to Mexico during the relevant period and that this shift contributed importantly to layoffs at the Warwick plant.

Conclusion

After careful review of the facts obtained in the investigation, I determine that there was a shift in production from the workers' firm or subdivision to Mexico of articles that are like or directly competitive with those produced by the subject firm or subdivision, and there has been or is likely to be an increase in imports of like or directly competitive articles. In accordance with the provisions of the Act, I make the following certification:

''All workers of Leviton Manufacturing Company, Inc., Hillsgrove Division, Warwick, Rhode Island who became totally or partially separated from employment on or after December 16, 2001 through two years from the date of certification are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.''

Signed in Washington, DC this 26th day of June 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17824 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,587]

Nestle USA, Confections and Snacks Division, Fulton, NY; 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 May 23, 2003, applicable to workers of Nestle USA, Confections and Snacks Division located in Fulton, New York. The notice was published in the **Federal Register** on June 19, 2003 (68 FR 36846).

The Department reviewed the certification for workers of the subject firm. The workers produce chocolate crunch, white crunch, chunky and Wonka candy bars.

The review shows that the Department inadvertently set the incorrect impact date. The **Federal Register** notice shows April 14, 2003 as the impact date for TA–W–51,587, and should be April 14, 2002. Therefore, the Department is amending certification to reflect the correct impact date to read April 14, 2002.

The amended notice applicable to TA–W–51,587 is hereby issued as follows:

All workers of Nestle USA, Confections and Snack Division, Fulton, New York, who became totally or partially separated from employment on or after April 14, 2002, through May 23, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 30th day of June, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17826 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,388]

Solid State-Filtronic Incorporated, Compound Semiconductor, Santa Clara, CA; Notice of Revised Determination On Reconsideration

By letter of May 25, 2003, petitioners requested administrative reconsideration of the Department's

denial of Trade Adjustment Assistance (TAA), applicable to workers of Solid State-Filtronics, Compound Semiconductors, Santa Clara, California.

The initial investigation resulted in a negative determination issued on May 6, 2003, based on the finding that imports of wafers used in the company's vertically integrated manufacturing of field effect transistors and monolithic microwave integrated circuits did not contribute importantly to worker separations and there was no shift in production to a country that is party to a Free Trade Agreement, or a Beneficiary Country under the Andean Trade Preference Act, the African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act. The notice was published in the **Federal Register** on May 19, 2003 (68 FR 27107).

In their request for reconsideration, the petitioners supplied information concerning global competition regarding wafers used in the company's vertically integrated manufacturing of field effect transistors and monolithic microwave integrated circuits.

An examination of United States trade data for like or directly competitive products revealed that from 2001 to 2002, aggregate U.S. imports increased dramatically.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that the workers of Solid State-Filtronics, Compound Semiconductors, Santa Clara, California, were adversely affected by increased imports of articles like or directly competitive with wafers produced at the subject firm. In accordance with the provisions of the Act, I make the following certification:

''All workers of Solid State-Filtronics, Compound Semiconductors, Santa Clara, California, who became totally or partially separated from employment on or after March 27, 2002, through two years from the date of certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.''

Signed at Washington, DC this 1st day of July 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–17830 Filed 7–14–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,120]

Sun Apparel of Texas, Armour Facility, El Paso, TX; Notice of Determinations Regarding Application for Reconsideration

By application of May 22, 2003, three workers requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice was signed on April 7, 2003 and published in the **Federal Register** on April 24, 2003 (68 FR 20177).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Sun Apparel, Armour Facility, El Paso, Texas engaged in the production of patterns, was denied because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The subject firm did not increase its reliance on imports of patterns during the relevant period, nor did it shift production to a foreign source.

In the reconsideration process, it was revealed that patterns and markers created at the subject firm were electronically generated and transmitted, and thus do not constitute production within the meaning of Section 222 of the Trade Act of 1974.

The workers allege that other production was performed at the subject facility and imply that some or all of this production work was transferred to a company-owned facility in Mexico in the relevant period.

Aside from the original request for reconsideration, further information was provided by worker representatives. In order to get a comprehensive sense of work performed at the subject facility, the Department requested that both the workers and a company official supply a list of all work functions performed at the subject facility. The Department further requested that the company official indicate whether work functions at the subject facility were shifted to Mexico, or if the company imported products like or directly competitive with those produced at the subject facility in the relevant period.

The workers allege that petitioning workers produced samples (also known as approval garments), and imply that work was shifted to Mexico. They further state that samples were shipped directly to customers in the U.S.

A company official was contacted on this point and reported that samples were and are produced at the subject facility. However, sample production has never occurred at the Mexican affiliate, so no production of samples was shifted. Further, the company does not import samples. (As samples are produced for internal use, there is no issue in regard to customer imports.)

Workers allege that the ''Print Shop'' at the subject facility produced jokers (waist band labels) and stickers (leg stickers used to designate size).

The company official contacted affirmed that print shops producing like or directly competitive stickers were located at both the Amour and Mexican facilities, and that the company elected to close the Amour Print Shop and rely exclusively on the Mexican production in this area.

The workers describe the typical functions involved in the Shipping and Receiving Department. They also list several manufacturing labels that they serviced in this department.

As the title implies, the functions concerned with shipping and receiving were not involved with production. Aside from the sample production, almost all of the production handled by this department concerned Mexican production, although a very small amount concerned cutting production that was performed at another El Paso facility. Thus workers engaged in shipping and receiving at the subject facility performed services mainly for a foreign production facility.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be 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 workers then address the nature of the production performed at the subject facility, which includes the Pattern Making Department, the Cutting Department, and the Sewing Department. In this section, the workers