

representatives of organizations wishing to address the Working Group should forward their request to Debra Golding at the above address or via telephone at (202) 693-8664. Oral presentations will be limited to 20 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Debra Golding by September 14 at the address indicated in this notice.

Signed at Washington, DC this 24th day of August, 2004.

**Bradford P. Campbell,**

*Deputy Assistant Secretary for Policy,  
Employee Benefits Security Administration.*

[FR Doc. 04-19671 Filed 8-27-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,363]

#### **A-N Inc. d/b/a Caraway Décor Center, Marion, North Carolina; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 3, 2004 in response to a worker petition which was filed by a company official on behalf of workers at A-N Inc., d/b/a Caraway Décor Center, Marion, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 17th day of August, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-19677 Filed 8-27-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,320]

#### **C.M. Holtzinger Fruit Company Prosser, Washington; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 26, 2004 in response to a petition filed by a company official on behalf of workers at C.M. Holtzinger Fruit Company, Prosser, Washington.

The petitioner has requested that the petition be withdrawn.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 20th day of August 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-19679 Filed 8-27-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,420]

#### **Lanier Clothes, Greenville, Georgia; Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 11, 2004 in response to a worker petition which was filed by a company official on behalf of workers at Lanier Clothes, Greenville, Georgia.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC this 17th day of August, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-19676 Filed 8-27-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,629]

#### **Motorola, Inc., Information Technology Semiconductor Products Sector Tempe, Arizona; Notice of Negative Determination on Reconsideration**

On July 22, 2004, the Department of Labor issued a Notice of Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Notice of determination was published in the **Federal Register** on August 4, 2004 (69 FR 47182).

The Department issued the initial denial for Trade Adjustment Assistance (TAA) because the investigation revealed that workers provided software and systems design, development, implementation and maintenance in support of hundreds of Semiconductor Products Sector's global automated manufacturing and business applications. The investigation also

revealed that maintenance and development functions were shifting to India and that Semiconductor Products Sector (SPS) revenue increased during the relevant time period.

Service workers could be certified for TAA if they directly support an affiliated facility whose workers independently qualify for TAA or are determined to be TAA certifiable.

The petitioners allege in the request for reconsideration that the subject company's semiconductor sales decreased, that semiconductor production was shifted to Taiwan, and that software development functions were shifted to India.

On reconsideration, the Department investigated whether the subject company's semiconductor sales decreased during the relevant time periods (2002, 2003, January-March 2003 and January-March 2004). A review of the additional information revealed increased sales in the Semiconductor Product Sector during the investigation period.

Under Section 113 of the Trade Adjustment Assistance Reform Act of 2002 (Pub. L. 107-210), workers who are laid off as a result of a shift in production to a country that is party to a free trade agreement with the United States, or a country that is named as a beneficiary under the Andean Trade Preference Act, the African Growth and Opportunity Act or the Caribbean Basin Economic Recovery Act, may be qualified for TAA certification.

Taiwan is not party to a free trade agreement with the United States or named as a beneficiary under any of the above referenced Acts. Therefore, even if the petitioner's allegation was true, a production shift to Taiwan absent increased imports by the subject company of like or directly competitive products, is not a basis for TAA certification. Further, the TAA program does not recognize the shift of service functions abroad as a basis for certification.

### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Motorola, Inc., Information Technology, Semiconductor Products Sector, Tempe, Arizona.

Signed at Washington, DC, this 20th day of August 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-19674 Filed 8-27-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,588]

#### **Murray Engineering, Inc. Complete Design Service, Flint, Michigan; Notice of Negative Determination on Remand**

The United States Court of International Trade (USCIT) remanded to the Department of Labor for further investigation *Former Employees of Murray Engineering v. U.S. Secretary of Labor*, USCIT 03-00219. The Department concludes that the subject worker group does not qualify for eligibility to apply for Trade Adjustment Assistance (TAA) benefits for two reasons. First, the subject facility does not produce an article because designs are not an article for TAA purposes. Second, irrespective of whether the subject facility's designs are articles, the petition would be denied because there was neither a shift of production nor increased imports as required under section 222(a) of the Trade Act of 1974, as amended (Trade Act), and the workers do not qualify as adversely affected secondary workers under section 222(b) of the Trade Act.

On January 15, 2003, the petitioner filed a petition on behalf of workers of Murray Engineering, Inc., Complete Design Service, Flint, Michigan ("Murray Engineering") for TAA. The petition stated that workers design automotive gauges, tools, fixtures, and dies.

The Department's initial negative determination for the former workers of Murray Engineering was issued on February 5, 2003. The Notice of Determination was published in the **Federal Register** on February 24, 2003 (68 FR 8620). The Department's determination was based on the finding that workers provided industrial design and engineering services and did not produce an article within the meaning of Section 222 of the Trade Act.

In a letter dated February 19, 2003, the petitioner requested administrative reconsideration of the Department's negative determination. The petitioner alleged that Murray Engineering produced a "tangible drawing essential and integral to the making or building

of a product" and that the Department was misled by the "Service" in the company's name.

The Department denied the petitioner's request for reconsideration on March 31, 2003, stating that the engineering drawings, schematics, and electronically generated information prepared by the subject worker group were not considered production within the meaning of the Trade Act. The Department further stated that the fact that the information is generated on paper is irrelevant to worker group eligibility for TAA. The Department's Notice of Negative Determination Regarding Application for Reconsideration was published in the **Federal Register** on April 15, 2003 (68 FR 18264).

By letter of April 30, 2003, the petitioner appealed the Department's denial of the request for reconsideration to the USCIT asserting that "machine drawings (plans) are an article." The petitioner asserts that the subject worker group should be eligible to apply for TAA due to imports of like or directly competitive articles and, alternatively, because they are adversely affected secondary workers.

The Department filed a motion requesting that the USCIT remand the case to the Department for further investigation, and the USCIT granted the motion.

The Department issued its Notice of Negative Determination on Remand on August 20, 2003. The Notice was published in the **Federal Register** on September 10, 2003 (68 FR 53395). The remand determination stated that the workers did not produce an article and were not eligible for certification as workers producing an article affected either by a shift of production or by imports, or as adversely affected secondary workers.

On May 4, 2004, the USCIT remanded the matter to the Department for further investigation, directing the Department to investigate: (1) The nature of the designs provided by Murray Engineering to its customers; (2) how the designs are sold to Murray Engineering's customers; (3) what proportion of the designs are printed or embodied on CD-Rom/diskette; and (4) how the petitioner's eligibility to apply for TAA is affected by the different formats in which the designs are embodied. The USCIT reserved judgment whether the Murray Engineering workers are qualified for certification as adversely affected secondary workers.

The designs created by Murray Engineering are used to make machines, tools, gauges, dies, molds and fixtures for hydraulic, pneumatic, mechanical,

and electrical systems used in the manufacture of products. Each design is unique because each one is job specific and tailored to customer's specifications. Workers use computer software such as Unigraphics and Auto Cad to create each design.

According to the Murray Engineering company official, Murray Engineering customers are charged for the labor incurred in the creation of the designs and can either pay by design or pay by the hour. Printed copies of the design are provided to customers about two-thirds of the time and, in all instances, designs are provided on CD-Rom.

When a project is accepted by Murray Engineering, it is assigned to a designer to develop the designs. The assigned designer is responsible for understanding and adhering to the design specifications, understanding the client's product and manufacturing operations, and working with the client to develop the final design. The designer creates multiple designs for the customer, from which the customer would choose one, and Murray Engineering would then modify the chosen design as requested. The design process requires constant input and approval by the customer. Steps of the design process may be repeated before the final design is approved by the customer.

Once the designs are completed and meet the customer's requirements, the designs are saved on Murray Engineering's computer network. The designs are then hand-delivered to the customer in the format that the customer has requested. As noted above, in all cases the designs are provided on CD-Rom, and in two-thirds of the cases printed copies are provided. Data charts, test results, and other schematics may accompany the designs when the designs are sent to the customer.

The job descriptions provided by Murray Engineering for the Complete Design Service show that workers are engaged primarily in activity related to the preparation of designs of machines, tools, gauges, dies, molds and fixtures for hydraulic, pneumatic, mechanical, and electrical systems used in the manufacture of products. The positions are detail-oriented and require a wide range of technical skills (including designing, drafting, mathematical computation, and computer graphics). Additionally, some drafters and designers may be required to take additional training and acquire the skills and knowledge (including familiarity with the client's products and manufacturing operations) needed to create the design per specifications.