

petitioners also identify products which they allege are articles: Infotrac, Gale E-Commerce Sourcebook, World Retail Directory and Sourcebook, and Ward's Business Directory. Supp. A.R. 81, 82, 88, 89.

Information supplied by the subject company indicates that the workers primarily convert paper periodicals into an electronic format, process the electronic data so they can be indexed, and provide access to the databases for on-line subscribers. Supp. A.R. 8-42. This information is not contradicted by petitioners' submissions, which indicate that the petitioners' tasks included reading and indexing paper articles, as well as researching, entering and editing information into the databases. Supp. A.R. 86-90.

The newly obtained information also shows that the databases are accessed via the Internet, are neither recorded nor stored on a physical carrier medium, such as CD-Rom, and are not mass-replicated by Gale Group. Supp. A.R. 9-11, 94. The information further reveals that no tangible articles are manufactured within either the subject facility or the larger corporate entity. *Id.* On the rare occasion that a customer requests paper copies of the databases, the printing is carried out by an unaffiliated, off-site, third party copy facility. Supp. A.R. 91. Moreover, as to these databases, Gale Group derived revenue not from the sale of copies of the databases on a physical carrier medium, but from customers purchasing a subscription to access information which is stored in a server off-site, at an affiliated location in Michigan. Supp. A.R. 9, 12.

The petitioners do not produce an article within the meaning of the Trade Act of 1974. The Department has consistently held that the processing of information, especially information which is created, manipulated and stored in electronic format, is not the production of an article for TAA purposes. Throughout the Trade Act, an article is referenced as something that can be subject to a duty. Telecommunications transmissions (such as electronically transmitted text and information) are specifically exempted from duty as they "are not goods subject to the provisions of the tariff schedule" (Harmonized Tariff Schedule of the U.S., 2004, General Notes, 3e). As telecommunications transmissions, the on-line services provided by Gale Group are not articles. Further, the Infotrac data base is available only in the electronic format. Supp. A.R. 92.

While there is evidence in the record that seems to indicate that these workers

did work on some products that were converted into CDs, this did not constitute the production of an article under the Act since the CDs were produced at an unaffiliated off-site location owned by a third party. Supp. A.R. 95. It is the production of the CDs, not the creation of information in electronic format that constitutes production of an article under the Act. In any case, the petitioning workers have not contributed to any products recorded on CDs in the last three years. Supp. A.R. 95.

It is clear that certain product lines of electronic indexing services sold by Gale Group could be considered "articles" for TAA certification purposes if they were put on a physical carrier medium such as paper or CD-Rom. These product lines would be dutiable under the Harmonized Tariff Schedule as recorded media. However, because Gale Group did not replicate its electronic indexing services on recorded media on site or at an affiliated facility, it did not produce the article for TAA purposes of the Act and the petitioning workers at the subject facility are not workers of the "firm" producing an article. Instead, an unaffiliated facility with which Gale Group contracted replicated certain but not all of the electronic indexing services developed and sold by Gale Group. The unaffiliated facility produced the article—electronic indexing services on the recorded media—that Gale Group sold. That facility was not part of the petitioning workers "firm" under the longstanding regulatory definition of firm at 29 CFR 90.2 because the facility was not affiliated with Gale Group. Because Gale Group was not part of the "firm" that produced the article (the third party replicating vendor), Gale Group did not produce an "article" for TAA purposes.

To be eligible for TAA, workers must be engaged in activity in support of an affiliated production facility which is eligible for TAA certification on its own merits if their facility does not produce an article. Because neither Gale Group nor its affiliates replicates any product, Supp. A.R. 91 and 94, there is no qualifying production facility of which the workers can be in support. As such, the worker group cannot be eligible for TAA as service workers in support of a certifiable production facility.

The petitioner further alleges that because workers lost their jobs due to a transfer of job functions to India, petitioning workers should be considered import-impacted.

Although the company official stated that some positions were shifted to India and Philippines, the petitioning

workers cannot be eligible for TAA because only the shift of production, not services, abroad is a basis for certification. Further, because informational material that is electronically transmitted is not considered production for purposes of TAA eligibility requirements, there cannot be any imports following a shift of services abroad.

The Department has thoroughly investigated the matter and could not find a basis to determine that workers of Gale Group are engaged in the production of an article. Consequently, they are not eligible for certification.

### Conclusion

In the case of Gale Group, A Division of the Thompson Corporation, Belmont, California, it is clearly established that the workers of the subject facility did not produce an article, nor did they support, either directly or through an appropriate subdivision, the production of an article within the meaning of the Trade Act. Because the petitioners are employees of a firm or subdivision that does not produce or support production of an article within the meaning of the Trade Act, they are not eligible for certification.

As the result of the findings of the investigation on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Gale Group, A Division of the Thompson Corporation, Belmont, California.

Signed in Washington, DC this 27th day of January 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,239]

#### Gasque Plumbing Company, Inc., Myrtle Beach, SC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 22, 2004, in response to a petition filed on behalf of workers at Gasque Plumbing Company, Inc., Myrtle Beach, South Carolina. Workers at the subject firm install plumbing in commercial buildings.

The Department of Labor issued a negative determination applicable to the petitioning group of workers on December 20, 2004 (TA-W-56,096). Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 5th day of January 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-494 Filed 2-7-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-54,129A and TA-W-54,129D]

**Kemet Electronics Corporation, Simpsonville Facility, Simpsonville, South Carolina; Including Employees of Kemet Electronics Corporation, Simpsonville Facility, Simpsonville, SC, Located in Greenwood, SC; Amended Certification Regarding Eligibility, To Apply for Worker Adjustment Assistance and Alternative Trade 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 and Alternative Trade Adjustment Assistance on February 23, 2004, applicable to workers of KEMET Electronics Corporation, Simpsonville Facility, Simpsonville, South Carolina. The notice was published in the **Federal Register** on April 6, 2004 (69 FR 18111).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. Workers of KEMET's headquarters are included in the certification for workers at the Simpsonville Facility located in Simpsonville, South Carolina. New information provided by the firm shows that Mr. Larry Budreau and Mr. Jimmy Arflin were separated from employment with the firm. They were reporting to headquarters but were working out of Greenwood, South Carolina. They provided support services related to the electronic capacitors produced by the firm.

Based on these findings, the Department is amending this certification to include employees of KEMET Electronics Corporation, Simpsonville Facility, Simpsonville, South Carolina working in Greenwood, South Carolina. Since the workers of the Simpsonville Facility were certified

eligible to apply for alternative trade adjustment assistance, the Department is extending this eligibility to Mr. Larry Budreau and Mr. Jimmy Arflin.

The intent of the Department's certification is to include all workers of KEMET Electronics Corporation, Simpsonville Facility, Simpsonville, South Carolina, who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA-W-54,129A is hereby issued as follows:

All workers of KEMET Electronics Corporation, Simpsonville Facility, Simpsonville, South Carolina (TA-W-54,129A), including employees of KEMET Electronics Corporation, Simpsonville facility, Simpsonville, South Carolina, located in Greenwood, South Carolina (TA-W-54,129D), who became totally or partially separated from employment on or after January 3, 2004, through February 23, 2006, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC this 31st day of January 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-489 Filed 2-7-05; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,127]

**Standard Corporation; A UTI Worldwide Company Kinston, NC; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 3, 2004, in response to a worker petition filed by company official on behalf of workers at Standard Corporation, a UTI Worldwide Company, Kinston, North Carolina.

The petitioning group of workers is covered by an active certification, (TA-W-55,977) which expires on December 9, 2006. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 7th day of January 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-490 Filed 2-7-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

**Announcement of the Mailing Addresses for Applications Not Filed Electronically Under the New Permanent Foreign Labor Certification (PERM) Program**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The regulation to implement the re-engineered permanent foreign labor certification program (PERM) was published in the **Federal Register** on December 27, 2004, with an effective date of March 28, 2005. See 69 FR 77326. The Employment and Training Administration (ETA) of the Department of Labor (Department or DOL) is issuing this notice to announce the mailing addresses for employers that choose to file applications by mail under the new permanent foreign labor certification program. The Department encourages employers to file applications electronically as applications submitted by mail will not be processed as quickly as those filed electronically.

As of December 13, 2004, the Department opened two new National Processing Centers in Atlanta and Chicago. The National Processing Centers will handle permanent labor certification cases filed under the PERM system. In addition, these centers will process all applications that are withdrawn from the current permanent labor certification program and re-filed under the new PERM program.

**FOR FURTHER INFORMATION CONTACT:** William Carlson, Chief, Division of Foreign Labor Certification, Employment and Training Administration, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210; Telephone: (202) 693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The new PERM regulation is effective March 28, 2005. Under the PERM program, employers will submit their applications for permanent labor certification directly to DOL using either electronic or mail-in options. Employers will, among other things, be required to obtain a prevailing wage determination from the appropriate State Workforce Agency (SWA) prior to filing their applications with DOL.

Until March 27, 2005, employers must continue to submit applications for permanent labor certification to State Workforce Agencies. All applications