

Technical writing of PDF files is not considered production of an article within the meaning of Section 222 of the Trade Act. Petitioning workers do not produce an "article" within the meaning of the Trade Act of 1974. Information electronic databases, technical documentation and codes, are not tangible commodities, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), as classified by the United States International Trade Commission (USITC), Office of Tariff Affairs and Trade Agreements, which describes articles imported to the United States.

To be listed in the HTS, an article would be subject to a duty on the tariff schedule and have a value that makes it marketable, fungible and interchangeable for commercial purposes. Although 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 products that customs officials inspect and that the TAA program was generally designed to address.

The investigation on reconsideration supported the findings of the primary investigation that the petitioning group of workers does not produce an article. However, it was revealed that electronic documentation created by the subject company is integrated with software and recorded on media devices (CD-ROMs) for further mass-production and distribution at an affiliated facility. Thus, it was determined that the petitioning group of service workers support production of CD-ROMs containing software at an affiliated facility in San Jose, California.

The Department conducted an additional investigation to determine whether workers can be considered eligible for TAA as directly-impacted workers in support of production of CD-ROMs containing software at an affiliated facility, Eclipsys Corporation, San Jose, California.

The group eligibility requirements for directly-impacted (primary) workers under Section 222(a) the Trade Act of 1974, as amended, can be satisfied in either of two ways:

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

The investigation of Eclipsys Corporation, San Jose, California revealed that criteria (I.B) and (II.B) were not met. According to the information provided by the company official, sales and production of CD-ROMs containing software at Eclipsys Corporation, San Jose, California did not decline during the relevant time period. Moreover, the subject firm did not shift production abroad, nor did it increase company imports of CD-ROMs containing software, during the relevant period.

The petitioner further alleges that because workers lost their jobs due to a transfer of job functions, such as technical writing, to Canada, petitioning workers should be considered import impacted.

The company official stated that one position of a Technical Writer was transferred to Canada, while the rest of the positions eliminated at the subject firm were primarily moved to Boston, Massachusetts and Malvern, Pennsylvania.

Technical writing of informational documentation that is electronically transmitted is not considered production within the context of TAA eligibility requirements, so there are no

imports of products in this instance. Further, as the PDF files and technical documentation do not become products until they are recorded on media device, there was no shift in production of an "article" abroad within the meaning of the Trade Act of 1974.

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 Eclipsys Corporation, Santa Rosa, California.

Signed at Washington, DC, this 2nd day of November, 2004.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,700]

Emerson Tool Company Including Leased Workers of Securitas, Inc. Manpower and Nicolet Staffing Menominee, MI; 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 October 7, 2004, applicable to workers of Emerson Tool Company, Menominee, Michigan. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that leased workers of Securitas, Inc., Manpower and Nicolet Staffing were employed at the Menominee, Michigan location of Emerson Tool Company.

Based on these findings, the Department is amending this certification to include leased workers of Securitas, Inc., Manpower and Nicolet Staffing working at Emerson Tool Company, Menominee, Michigan.

The intent of the Department's certification is to include all workers employed at Emerson Tool Company who were adversely affected by increased imports.

The amended notice applicable to TA-W-55,700 is hereby issued as follows:

All workers of Emerson Tool Company, Menominee, Michigan, including leased workers of Securitas, Inc., Manpower and Nicolet Staffing working at Emerson Tool Company, Menominee, Michigan, who became totally or partially separated from employment on or after July 6, 2004, through October 7, 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 at Washington, DC, this 29th day of October, 2004.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-3132 Filed 11-10-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,647]

Freudenberg Nonwovens, Madison, TN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 21, 2004 in response to a petition filed by a company official on behalf of workers at Freudenberg Nonwovens, Madison, Tennessee (TA-W-55,647).

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 25th day of October 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-3139 Filed 11-10-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-54,737]

General Electric Electromaterials, Coshocton, OH; Including Employees of General Electric Electromaterials, Coshocton, OH, Working in the States of: TA-W-54,737A Minnesota, TA-W-54,737B Washington; 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 May 17, 2004, applicable to workers of General Electric Electromaterials, Coshocton, Ohio. The notice was published in the **Federal Register** on June 17, 2004 (69 FR 33942).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations have occurred involving employees of General Electric Electromaterials, Coshocton, Ohio, working in Minnesota and Washington. These employees provide support function services for the production of bare printed circuit boards (PCBs) and rolls of mica paper produced at the Coshocton, Ohio, location of the subject firm.

Based on these findings, the Department is amending this certification to include employees of General Electric Electromaterials, Coshocton, Ohio, working in Minnesota and Washington.

The intent of the Department's certification is to include all workers of General Electric Electromaterials who were adversely affected by increased imports.

The amended notice applicable to TA-W-54,737 is hereby issued as follows:

All workers of General Electric Electromaterials, Coshocton, Ohio (TA-W-54,737), including employees of General Electric Electromaterials, Coshocton, Ohio, working in Minnesota (TA-W-54,737A) and Washington (TA-W-54,737B), who became totally or partially separated from employment on or after March 31, 2003, through May 17, 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 at Washington, DC, this 26th day of October 2004.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E4-3141 Filed 11-10-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-55,423]

Granville Hosiery, Inc. Oxford, NC; Notice of Revised Determination on Reconsideration

By letter dated September 24, 2004 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 signed on August 26, 2004 was based on the finding that imports of men's, women's, and children's socks did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on September 23, 2004 (69 FR 57093).

To support the request for reconsideration, the company official supplied additional information. Upon further review of the initial investigation and contact with subject firm's largest customers, it was revealed that subject firm customers significantly increased their import purchases of socks while decreasing its purchases from the subject firm during the relevant period.

It was further revealed that U.S. aggregate imports of socks increased significantly, while aggregate domestic production of socks decreased during the relevant period.

In accordance with Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the