for permanent labor certification received by the SWAs postmarked March 28, 2005 or later will be returned to the sender.

Employers choosing to use the e-filing option under the new PERM program will complete their applications via the Internet at *http://www.workforcesecurity.doleta.gov/foreign.* A major advantage of e-filing is the on-line system's ability to assist employers by instantaneously checking for obvious errors. This option will also speed the process of evaluating the applications, and prevent data entry errors.

For employers choosing to submit an application for permanent employment certification by U.S. mail, applications must be sent to one of the two National Processing Centers, as explained below.

If the area of intended employment is in one of the following states or territories, then the PERM application must be mailed to the Atlanta Processing Center at the address listed below:

Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virgin Islands, Virginia, Washington DC, West Virginia, U.S. Department of Labor, Employment and Training Administration, Harris Tower, 233 Peachtree Street, NE., Suite 410, Atlanta, Georgia 30303; Phone: (404) 893–0101, Fax: (404) 893–4642.

If the area of intended employment is in one of the following states or territories then the PERM application must be mailed to the Chicago Processing Center at the address listed below:

Alaska, Arizona, Arkansas, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, U.S. Department of Labor, Employment and Training Administration, 844 North Rush Street, 12th Floor, Chicago, Illinois 60611; Phone: (312) 886–8000, Fax: (312) 886–1688.

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

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 05–2373 Filed 2–7–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,173 and NAFTA–6472]

Ericsson, Inc., Brea, CA; Notice of Revised Determination on Remand

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a second voluntary remand for further investigation in *Former Employees of Ericsson, Inc.* v. *U.S. Secretary of Labor* (Court No. 02–00809).

The Department's denial of the initial Trade Adjustment Assistance (TAA) petition was issued on April 15, 2003. The Notice of determination was published in the **Federal Register** on August 18, 2003 (68 FR 49522). The negative determination was based on the finding that the worker group did not produce an article within the meaning of section 222 of the Trade Act of 1974, as amended. The workers performed software development.

The Department's denial of the initial NAFTA–TAA petition was issued on September 24, 2002. The notice of determination was published in the **Federal Register** on October 10, 2002 (67 FR 63160). The negative determination was based on the finding that the worker group did not produce an article within the meaning of section 250(a) of the Trade Act of 1974, as amended. Workers at the subject facility developed software for other Ericsson units.

The Plaintiffs requested judicial review of the TAA case by letter to the USCIT, filed on December 18, 2002. In the letter, the Plaintiffs contended that the Department failed to fully investigate the TAA petition, that the subject worker group was misclassified, and that the Department did not correctly apply the statutory criteria. On August 20, 2003, the USCIT granted the Plaintiff's motion to consolidate the TAA case into the NAFTA case. On September 11, 2003, the USCIT issued a Voluntary Remand Order, directing the Department to determine whether the workers are eligible for benefits.

During the remand investigation, the Department investigated whether the workers produced an article and, if so, whether the workers were eligible to apply for NAFTA–TAA. The investigation found that the subject worker group did not produce an article within the meaning of the Trade Act. The Department issued a Notice of Negative Determination on Reconsideration on Remand on January 14, 2004. The notice of determination was published in the **Federal Register** on January 23, 2004 (69 FR 3394).

On October 13, 2004, the USCIT again remanded the matter to the Department, finding that the Department failed to adequately investigate the Plaintiff's claims and that the Department's findings were unsupported by substantial evidence on the record. The USCIT directed the Department to investigate whether the workers were eligible for benefits.

During the second remand investigation, the Department raised additional questions and obtained detailed supplemental responses from the company. In particular, the new information indicates that, in addition to software development, the subject worker group supported production at an affiliated software production facility. As such, the subject worker group did engage in activity related to the production of an article. The second remand investigation also revealed that all production at the affiliated facility shifted to Canada during the relevant period and the subject firm simultaneously began importing the product from Canada.

The investigation revealed that the subject facility experienced employment declines during the relevant time and that the workers were in support of an affiliated production facility that is TAA and NAFTA–TAA certifiable. As such, the Department determines that the subject worker group meets the statutory criteria for TAA and NAFTA–TAA certification.

Conclusion

After careful review of the additional facts obtained on remand, I determine that a shift of production to Canada of articles like or directly competitive with those produced by the subject firm and the simultaneous imports of those articles from Canada, contributed importantly to the worker separations and sales or production declines at the subject firm.

In accordance with the provisions of the Trade Act, I make the following certification:

''All workers of Ericsson, Inc., Brea, California (TA–W–51,173), who became totally or partially separated from employment on or after January 6, 2002, through two years from the issuance of this revised determination, are eligible to apply for worker adjustment assistance under section 223 of the Trade Act of 1974,'' and''All workers of Ericsson, Inc., Brea, California (NAFTA 6472), who became totally or partially separated from employment on or after August 1, 2001, through two years from the issuance of this revised determination, are eligible to apply

for NAFTA–TAA under section 250 of the Trade Act of 1974.''

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

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–485 Filed 2–7–05; 8:45 am]

BILLING CODE 4510–30–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2004–1 CARP DTRA4]

Digital Performance Right in Sound Recordings and Ephemeral Recordings

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of termination of proceeding and current rates.

SUMMARY: The Copyright Office of the Library of Congress is announcing the termination of the proceeding to determine reasonable rates and terms for two compulsory licenses for the period beginning January 1, 2005, and ending on December 31, 2006. One license allows public performances of sound recordings by means of eligible digital audio transmissions; the other permits the making of an ephemeral phonorecord of a sound recording in furtherance of making a permitted public performance of the sound recording. The rates and terms applicable to new subscription services, eligible nonsubscription services, and services that transmit performances to business establishments that were in effect on December 31, 2004, will remain in effect during 2005.

FOR FURTHER INFORMATION CONTACT: Tanya M. Sandros, Associate General Counsel, or Abioye E. Oyewole, CARP Specialist. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: In 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995 (''DPRA''), Public Law 104–39, which created an exclusive right for copyright owners of sound recordings, subject to certain limitations, to perform publicly sound recordings by means of certain digital audio transmissions. Among the limitations on the performance right was the creation of a new compulsory license for nonexempt, noninteractive digital subscription transmissions. 17 U.S.C. 114(d).

The scope of this license was expanded in 1998 upon passage of the Digital Millennium Copyright Act of 1998 (''DMCA''), Public Law 105–304, in order to allow for the public performance of a sound recording when made in accordance with the terms and rates of the statutory license, 17 U.S.C. 114(d), by a preexisting satellite digital audio radio service or as part of an eligible nonsubscription transmission. In addition to expanding the section 114 license, the DMCA also created a new statutory license for the making of an ''ephemeral recording'' of a sound recording by certain transmitting organizations. 17 U.S.C. 112(e). The new statutory license allows entities that transmit performances of sound recordings to business establishments, pursuant to the limitations set forth in section 114(d)(1)(C)(iv), and those entities operating under the section 114 statutory license to make ephemeral recordings of a sound recording to facilitate those transmissions.

The statutory scheme for establishing reasonable terms and rates is the same for both licenses. Terms and rates may be determined by voluntary agreement among the affected parties, or if necessary, through compulsory arbitration conducted pursuant to Chapter 8 of the Copyright Act. Rates and terms are set for a two–year period through this process, except when a different period is otherwise agreed upon by the parties as part of a negotiated agreement. *See* 17 U.S.C. 112(e)(6) and 114(f)(2)(C)(i)(II). Accordingly, on January 6, 2004, the Copyright Office announced the voluntary negotiation period to set rates and terms for the license period beginning January 1, 2005, and ending on December 31, 2006. 69 FR 689 (January 6, 2004) and 69 FR 5196 (February 3, 2004).

However, on November 30, 2004, the Copyright Royalty and Distribution Reform Act of 2004, (the ''Act''), Public Law 108–419, 118 Stat. 2341, was enacted. This Act, which becomes effective on May 31, 2005, eliminates the Copyright Arbitration Royalty Panel (''CARP'') system and replaces it with three permanent Copyright Royalty Judges. In addition, the Act terminates the proceeding initiated in January 2004 to set rates and terms under sections 114(f)(2) and 112(e) for the 2005–2006 license period.

The Act further provides that the rates and terms in effect under section 114(f)(2) or 112(e) of title 17, United States Code, on December 31, 2004, for new subscription services, eligible nonsubscription services, and services exempt under section 114(d)(1)(C)(iv) of such title, and the rates and terms published in the **Federal Register** under the authority of the Small Webcaster Settlement Act of 2002 (17 U.S.C. 114 note; Public Law 107–321) (including the amendments made by that Act) for the years 2003 through 2004, as well as any notice and recordkeeping provisions adopted pursuant thereto, shall remain in effect until the later of the first applicable date for successor terms and rates specified in section 804(b)(2) or (3)(A) of title 17, United States Code (effective May 31, 2005), or such later date as the parties may agree or the Copyright Royalty Judges may establish. In accordance with this provision, the rates and terms applicable to these services that were in effect on December 31, 2004, shall remain in effect at least for 2005.

Until such rates and terms have been established under the new procedures, beginning January 1, 2005, eligible small and noncommercial webcasters may elect to be subject to the terms and rates published in the Small Webcaster Settlement Act of 2002, Public Law 107–321, by complying with the procedures governing the election process set forth in that agreement not later than the first date on which the webcaster would be obligated to make a royalty payment for such period. *See* 67 FR 78510 (December 24, 2002).

Dated: February 3, 2005

Tanya M. Sandros,

Associate General Counsel.

[FR Doc. 05–2406 Filed 2–7–05; 8:45 am]

BILLING CODE 1410–33–S

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in