

the production of articles like or directly competitive with those being imported by the subject firm.

Conclusion

After reconsideration, I affirm the original notice of negative determination regarding eligibility to apply for worker adjustment assistance for workers and former workers of Motorola Ceramics Products, Albuquerque, New Mexico.

Signed at Washington, DC, this 24th day of May 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,881]

Perry & Perry, Inc., Midland, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 22, 1999 in response to a worker petition which was filed on behalf of all workers at Perry & Perry, Incorporated, located in Midland, Texas (TA-W-35,881).

The petitioner has requested that the petition be withdrawn.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 at Washington, DC, this 27th day of May, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,472]

Tony Lama Boot Co. Justin Boot Company; El Paso, TX; 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 U.S. Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 11, 1999 applicable to all

workers of Tony Lama Boot Company located in El Paso, Texas. The notice was published in the **Federal Register** on April 6, 1999 (64 FR 16753).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of boots. New information shows that Justin Boot Company is one of four sister firms of Tony Lama Boot Company located in El Paso, Texas. The company also reports that some workers separated from employment at Tony Lama Boot Company had their wages reported under a separate unemployment insurance (UI) tax account for Justin Boot Company, also located in El Paso, Texas. Based on these findings, the Department is amending the certification to reflect this matter.

The intent of the Department's certification is to include all workers of Tony Lama Boot Company who were adversely affected by increased imports.

The amended notice applicable to TA-W-35,472 is hereby issued as follows:

All workers of Tony Lama Boot Company, Justin Boot Company, El Paso, Texas who became totally or partially separated from employment on or after December 21, 1997 through March 11, 2001 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington DC. This 27th day of May, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,539]

Wendt Corp., Tonawanda, NY; Notice of Negative Determination Regarding Application for Reconsideration

By application dated April 23, 1999, a petitioner 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 applicable to workers of Wendt Corporation located in Tonawanda, New York, was signed on March 15, 1999, and published in the **Federal Register** on May 11, 1999 (64 FR 25371).

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 petition, filed on behalf of workers of the subject firm in Tonawanda, New York, producing scrap processing equipment 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 investigation revealed that Wendt Corporation did not import scrap metal processing equipment. Additionally, the articles produced by workers at the subject plant in Tonawanda, New York, are a customized product not imported into the U.S. in sufficient quantities to contribute importantly to worker separations.

The petitioner also asserts that the company is importing scrap processing equipment. As learned during the investigation, the subject firm acts as an agent/distributor for some foreign producers of scrap processing equipment. That equipment, however, is not like or directly competitive with the articles produced at the workers firm.

The petitioner attributes worker separations at Wendt to an increase in imports of steel scrap into the U.S. This allegation was made by petitioners in their January 11, 1999 petition, and was addressed in the April 19, 1999, TAA eligibility decision. Imports of scrap steel or steel cannot be considered as a basis for worker group certification under the Trade Act of 1974, as amended. The Department limits its investigation to the impact of imports of articles like or directly competitive with the products produced and sold by the workers' firm, which in this case is scrap processing equipment.

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 decisions. Accordingly, the application is denied.