

Signed at Washington, DC, this 8th day of February, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00-4127 Filed 2-18-00; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-36,989]

Mobile Energy Services Corporation, Mobile, Alabama; Notice of Negative Determination Regarding Application for Reconsideration

By application dated December 27, 1999, a representative for the company (herein after referred to as the petitioner) requested administrative reconsideration of the Department's negative determination regarding eligibility for workers of the subject firm to apply for worker adjustment assistance. The denial notice applicable to workers of Mobile Energy Services Corporation producing electricity, steam and chemicals in Mobile, Alabama, was signed on November 4, 1999 and published in the **Federal Register** on December 28, 1999 (64 FR 72691).

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 negative TAA determination for workers of the subject firm was issued based on the finding that criterion (3) of Section 222 of the Trade Act of 1974 was not met. Declines in employment at the subject firm were attributed to the closure of the pulp mill to which the subject firm provided the power source. The workers at the pulp mill were certified eligible to apply for TAA.

The petitioner claims that the energy recovery complex at the plant provided both electricity and steam produced from fuel derived from the pulp operations and provided material to be reused in the paper-making process. As such, the petitioner asserts that the energy recovery was an integrated part of the manufacturing process.

Under the Trade Act of 1974, the Department is required to examine imports of articles like and directly competitive with those produced by the workers of the firm. Workers of Mobile Energy Services Corporation were primarily engaged in the production of steam and electricity. Imports of pulp and paper products or the raw materials used to reproduce these articles cannot be considered like or directly competitive with steam, electricity or the by-product, black-liquor as described by the petitioner.

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 decision. Accordingly, the application is denied.

Signed at Washington, D.C. this 11th day of February 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00-4129 Filed 2-18-00; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-37,033]

United Technologies Automotive, Inc., A/K/A Lear Corporation, Ceramic Avenue Plant, Zanesville, Ohio; 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 Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on January 26, 2000, applicable to workers of United Technologies Automotive, Inc., a/k/a Lear Corporation, Zanesville, Ohio. 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. The workers produce electrical wiring harnesses for automobiles. New findings show that there was a previous certification, TA-W-33,043, issued on February 6, 1997, for workers of United Technologies, Zanesville, Ohio, who were engaged in employment related to the production of electrical wiring harnesses for automobiles. That

certification expired February 6, 1999. To avoid an overlap in worker group coverage, the certification is being amended to change the impact date from October 18, 1998 to February 7, 1999, for workers of the subject firm.

The amended notice applicable to TA-W-37,033 is hereby issued as follows:

All workers of United Technologies Automotive, Inc., also known as Lear Corporation, Ceramic Avenue Plant, Zanesville, Ohio, who became totally or partially separated from employment on or after February 7, 1999 through January 26, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 11th day of February, 2000.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 00-4128 Filed 2-18-00; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-03689 and NAFTA-03689A]

Victor Equipment Company, Division of Thermadyne Holdings Corporation, Denton, Texas and Victor Equipment Company, Division of Thermadyne Holdings Corporation, Abilene Texas; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103-182) concerning transitional adjustment assistance, hereinafter called (NAFTA-TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on January 28, 2000 in response to a petition filed on behalf of workers at Victor Equipment Company, Division of Thermadyne Holdings Corporation, Denton, Texas (NAFTA-3689), and Victor Equipment Company, Division of Thermadyne Holdings Corporation, Abilene, Texas (NAFTA-3689A).

In a letter dated February 3, 2000, the petitioner requested that the petition for NAFTA-TAA be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 10th day of February, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00-4125 Filed 2-18-00; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Unemployment Compensation for Ex-servicemembers (UCX) Program: Unemployment Insurance Program Letter Amending the Consolidated List of "Acceptable" Narrative Reasons for Separation Transmitted in UIPL No. 3-95, Change 2 To Include Separations From the Army Under the Army National Guard Combat Reform Initiative Program

ETA has responsibility for administration of the UCX program, providing unemployment compensation benefits for ex-servicemembers. ETA issues interpretations affecting the UCX program in Unemployment Insurance Program Letters (UIPLs) to the State Employment Security Agencies (SESAs). The UIPL described below is published in the **Federal Register** in order to inform the public.

UIPL 9-95, Change 3

To be eligible for UCX, an ex-servicemember must, among other requirements, meet the definition of "Federal service." This requires that the servicemember be separated under honorable conditions and have completed a first full term of service. If separated before completing the first full term, the separation must be for, among other reasons, "the convenience of the Government under an early release program."

The Department of Labor was recently notified by the Department of the Army of an ongoing program called the Army National Guard Combat Reform Initiative (ANGCRI). It is an early release program for the convenience of the Government mandated by Congress that directs the Army to release at least 150 lieutenants each year so they can serve the remainder of their active duty obligation in the National Guard. The narrative reason, Miscellaneous/General Reasons, is used on DD Forms 214 for those lieutenants who separate from active duty before completing their first full term under the ANGCRI program. The program started with separations occurring May 1, 1999, through September 30, 1998 (FY 98 Program), and May 1, 1999, through September 30,

1999 (FR 99 Program) program. This program will be ongoing. Consequently, UIPL No. 3-95 Change 3 was transmitted to all SESAs to amend the consolidated list of narrative reasons for separation transmitted to all SESAs in UIPL 3-95 Change 2.

Dated: February 15, 2000.

Raymond L. Bramucci,
Assistant Secretary of Labor.

U.S. Department of Labor, Employment and Training Administration, Washington, D.C. 20210

Classification: UI

Correspondence Symbol: TEUPDI

Date: February 17, 2000

Directive: Unemployment Insurance Program Letter No. 3-95, Change 3
To: All State Employment Security Agencies
From: Grace A. Kilbane, Administrator,
Office of Workforce Security
Subject: UCX Narrative Reasons for Separation from Military Service

1. *Purpose.* to amend the consolidated list of "acceptable" narrative reasons for separation transmitted in Unemployment Insurance Program Letter (UIPL) No. 3-95 and UIPL No. 3-95, Changes 1 and 2 to include separations from the Army under the Army National Guard Combat Reform Initiative (ANGCRI) program.

2. *References.* UIPL No. 3-95; UIPL No. 3-95, Changes 1 and 2; 5 U.S.C. 8521(a)(1); 20 CFR Part 614; Section 1111 of P.L. 102-484; and Section 514 of P.L. 104-106.

3. *Background.* The Department of the Army recently notified the Department of Labor (DOL) of an ongoing program, ANGCRI, under which Congress directed the Army to release early at least 150 lieutenants each year so they can serve the remainder of their active duty obligation in the National Guard. This program started with separations occurring May 1, 1998, through September 30, 1998 (FY 98 Program) and May 1, 1999, through September 30, 1999, (FY 99 Program). This program will be ongoing every year. The narrative reason "Miscellaneous/General Reasons" is used on DD Forms 214 of those lieutenants separating from active duty before completing their first full term under this program. However, there is no other information on these lieutenants' DD Forms 214 to indicate that they are separated under the ANGCRI program.

4. *Instructions.* DOL has determined that separations under the ANGCRI program are for the convenience of the government under an early release/force reduction program. Thus, Army lieutenants separated from active duty under this program meet the definition of "Federal service" under 5 U.S.C. 8521(a)(1)(B)(ii)(I). Separations under the ANGCRI program occurred between May 1, 1998, through September 30, 1998, and May 1, 1999, through September 30, 1999, and they will continue every year thereafter for the May 1 through September 30 period. Item (Block) 28 ex-servicemembers DD Forms 214 separated under the ANGCRI program will contain the narrative reason for separation "Miscellaneous/General Reasons." However,

since there is no information on the DD Form 214 that indicates separation from active duty under the ANGCRI program, the SESA must require the ex-servicemember to provide it with "Orders to Report" and "Orders of Release" or "Orders to Report" containing an endorsement of release which contain information that the servicemember was discharged under the ANGCRI program.

The contents of this directive will also be issued as a Change 19 to *ET Handbook No. 384, Second Edition.*

5. *Effective Date.* The amendment to the consolidated list of "acceptable" narrative reasons for separation contained in this Change 3 to UIPL 3-95 shall be effective for all initial claims filed on and after the date of this directive. However, where State law permits, monetary determination or redetermination must be issued when a claimant requests a determination or redetermination on a new or previously denied claim or files an additional or renewed claim for benefits. Any determination or redetermination of monetary eligibility must be based on the list of "acceptable" narrative reasons for separation attached to this Change 3 of UIPL 3-95.

Determinations or redeterminations required by this Change 3 to UIPL 3-95 may result in the payment of benefits for retroactive weeks of unemployment to ex-servicemembers separated under the ANGCRI program. The reason for this is that the category of servicemembers separated under the ANGCRI program (which fits within the scope of discharges for the convenience of the government under an early release program) was inadvertently left off the list of narrative reasons for separation issued with UIPL 3-95, Change 2.

6. *Action Required.* SESAs are required to:

a. Distribute the contents of this directive and the attachment to all appropriate staff members.

b. Destroy the Attachment to UIPL 3-95 Change 2 and utilize the Attachment to this Change 3 to UIPL 3-95.

c. Announce in a newspaper of general circulation, and in other appropriate media such as veterans publications, the application of the operating instructions contained in this directive and their effect on UCX eligibility. The announcements shall include mention of the authority under 20 CFR 614.9(a) to issue determinations or redeterminations.

7. *Inquiries.* Direct inquiries to the appropriate Regional Office.

8. *Attachment.* Revised List of "Acceptable" Narrative Reasons for Separation Meeting the Requirements of 5 U.S.C. 8521(a)(1)(B)(ii)(I)-(IV).

Attachment

Narrative Reasons for Separation

"Acceptable" Narrative Reasons for Separation Meeting the Requirements of 5 U.S.C. 8521(a)(1)(B)(ii)(I)-(IV).

For the convenience of the government under an early release program (5 U.S.C. 8521(a)(1)(b)(ii)(I)):

Medal of Honor Recipient
Completion of Required Active Service
Insufficient Retainability (Economic Reasons)