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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,399 TA-W-35,399A, TA-W-35,399B, TA-W-35,399C, TA-W-35,399D, TA-W-35,399E and TA-W-35,399F]

The Boeing Company, Seattle, WA, in the following locations: Puget Sound Region, WA, Wichita, KS, Philadelphia, PA, Tulsa, OK, McAlester, OK, Oak Ridge, TN; Negative Determination Regarding Application for Reconsideration

By application dated May 12, 1999, the International Association of Machinists & Aerospace Workers (IAM&AW), District Lodge 751, 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 the subject firm was signed on March 23, 1999, and published in the **Federal Register** on May 21, 1999 (64 FR 27810).

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 was filed on behalf of workers of the subject firm in Seattle, Washington, Puget Sound Region, Washington, Wichita, Kansas, Philadelphia, Pennsylvania, Tulsa, Oklahoma, McAlester, Oklahoma and Oak Ridge, Tennessee, engaged in employment related to the production of commercial aircraft at The Boeing Company. Investigation resulted in a negative determination based on the finding that the "contributed importantly" test of the group eligibility requirement of Section 222(3) the Trade Act of 1974, as amended, was not met for the workers engaged in the production of commercial aircraft. The investigation revealed that the predominate cause for layoffs at the subject firm was reduced anticipated

orders, resulting from reduced demand for commercial aircraft, including significant lost export sales. Domestic customers of The Boeing Company did not increase their import purchases of commercial aircraft while decreasing orders from the subject firm to such a degree as to represent an important contributing factor. Overall, the subject firm experienced increasing sales in 1998 which was forecast to continue in 1999.

The District Lodge 751 assert that members and workers at The Boeing Company are impacted by completion from Airbus in addition to the subcontracting to foreign suppliers for components. The application contained information addressing the commercial aircraft industry and included charts comparing Boeing and Airbus orders and expected deliveries. The petitioner asserts that despite a record number of deliveries by Boeing in 1999, Airbus continues to gain market share. The petitioner adds that Boeing is beginning the downsizing process in anticipation of decline in market share. Loss of global market share as emphasized by the petitioners is not a basis for worker group certification under the Trade Act of 1974. The materials submitted by the IAM&AW did not contain information that was not previously considered in the petition investigation.

As to the impact of sourcing foreign parts, the Department found no evidence that foreign sourcing was a relevant factor in the separation of workers.

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.

Signed at Washington, DC this 21st day of June 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,135, 135F & 135G]

Computalog Wireline Services; Hays, Kansas and Operating at Various Locations in the Following States; Montana and Arkansas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 14, 1998, applicable to workers of Computalog Wireline Services located in Hays, Kansas. The notice was published in the **Federal Register** on December 23, 1998 (63 FR 71166).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that additional worker separations occurred at Computalog Wireline Services operating at various locations in Montana. The company also reports that worker separations will occur at its various locations in Arkansas. Workers at these locations provide services related to the exploration and production of crude oil and natural gas.

The intent of the Department's certification is to provide coverage to all workers of the subject firm adversely affected by increased imports. Accordingly, the Department is amending the certification to expand coverage to workers of Computalog Wireline Services in Montana and Arkansas.

The amended notice application to TA-W-35,135 is hereby issued as follows:

All workers of Computalog Wireline Services, Hays, Kansas (TA-W-35,135) and operating at various locations in Montana (TA-W-35,135F), and Arkansas (TA-W-35,135G) who became totally or partially separated from employment on or after October 9, 1997 through December 14, 2000, are eligible to apply for worker adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 25th day of June, 1999.

Linda G. Poole,

Program Manager, Office of Trade Adjustment Assistance.

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