given a urine specimen I have gone to the bathroom with him and watched him and the urine specimen has been body temperature, so I believe that he is and has been off of cocaine, but at the same time he does not see problems as really originating within him, but mainly the problems that he has with the people that he chooses to be close to. He then seeks answers not from any internal changes but through either the manipulation of the other person or in ending the relationship. I think that this way of dealing with the world is one which would make addiction more likely. After talking to Dr. Gardner and Dr. Patton I think the best course of action in view of possible problems with alcohol and the benzodiazepene's [sic] is to extend the temporary license.

Dr. Waterman also testified at the DEA hearing. He stated that, in his opinion, Dr. Harbin was not ready for psychotherapy in 1987.

On June 14, 1988, the Arkansas State Medical Board reinstated Respondent's medical license in that state. During the previous year, Respondent was practicing medicine with Robert Patton, M.D. in Lewisville, Arkansas, under a temporary license. He only worked with Dr. Patton for approximately six to eight months, after which time, Dr. Patton ended his business relationship with Respondent. There is no indication in the record as to why Dr. Patton terminated Respondent's employment. Dr. Patton performed drug screens during Respondent's employment. The results of the screens were negative.

From December 1988 to March 1989, Richard Portis, M.D., an official at the hospital in Hope, Arkansas, performed drug screens on Respondent. The screens were performed on the days Respondent was at the hospital for professional meetings, on a more or less regular monthly schedule. The results of those screens were also negative.

After leaving his association with Dr. Patton in Lewisville, Respondent moved to Stamps, Arkansas, where he began a sole practice. In that community, Respondent is valued, well-liked and highly regarded, both personally and professionally.

There is no recent evidence of Respondent's abuse of cocaine. Testimony from persons who have known him during the last several months in Stamps indicates that he has always appeared normal and has been practicing good medicine.

The record also indicates that there is a need for a physician in Stamps, Arkansas. Although there are physicians in nearby areas, one practices part-time and the other is in the process of retiring.

In determining whether an applicant should be issued a DEA registration, entitling him to handle controlled substances, the Administrator must view the relevant facts in light of the public interest. 21 U.S.C. 823(f) enumerates the various factors to be considered in determining whether the issuance of a registration would be consistent with the public interest. They include:

(1) The recommendation of the appropriate State licensing board of professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety. 21 U.S.C. 823(f).

In this case the second, fourth and fifth factors are relevant. Since 1980, Respondent has had an extensive history of abusing controlled substances and was convicted of misdemeanor offenses which resulted from his drug abuse problems. He has also misused his previous DEA registration in that he ordered and obtained controlled substances for his personal abuse, rather than for legitimate medical purposes. He handled controlled substances in a state in which he was not registered by DEA. The facts underlying Respondent's conviction in Hot Springs, Arkansas, illustrate his bizarre and dangerous activities while he was under the influence of controlled substances. While abusing controlled substances, Respondent has been a threat to himself and to others. Such evidence is sufficient to find that Respondent's registration is inconsistent with the public interest.

The evidence of Respondent's attempts at rehabilitation has been minimal at best, and does not persuade the Administrator to alter his conclusion that Respondent's registration would be inconsistent with the public interest. His probation officer was not encouraged by Respondent's efforts. Two of Respondent's urine screens during probation were positive for the presence of cocaine. During the entire period of his probation, Respondent's only attempt at drug treatment and counseling lasted less than two weeks. Respondent's later drug counseling and psychotherapy under the direction of the Arkansas State Medical Board was also seen as unsuccessful by his treating psychiatrist. Respondent's psychiatrist stated that he was not ready for such treatment and was participating in the treatment only because of the Board's order. In addition, urine screens performed by his psychiatrist revealed the presence of controlled substances on two occasions.

Respondent's only other evidence of rehabilitation has been the results of urine screens performed by Drs. Patton and Portis. The results of these screens are not dispositive. Many of the screens were not random in that Respondent knew, or should have known based upon their regularity, when they were going to be performed. Further, some of the tests only covered certain drugs, not always the drugs Respondent had a history of abusing.

Much of Respondent's own testimony at the administrative hearing cannot be construed in his favor. He has failed to fully accept the extent and seriousness of his drug abuse problems. At points in his testimony, he continued to blame his drug problems on others. For example, in explaining his reasons for injecting himself with Numorphan while working in a Missouri hospital ward, Respondent claimed that a nurse had given it to him.

The need for a physician in Respondent's area does not negate the Administrator's responsibility to register only those physicians who can be trusted to handle controlled substances responsibly. At this point, the Administrator is not convinced that Respondent is fully rehabilitated; nor has Respondent proven he can now be trusted to properly handle controlled substances.

On the contrary, Respondent's past abuse of controlled substances, his lack of adequate, concentrated drug therapy, and his denial of the seriousness of his drug problems lead the Administrator to conclude that Respondent cannot now be entrusted with a DEA Certificate of Registration. The Administrator concludes that Respondent's registration would be inconsistent with the public interest.

Consequently, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator of the Drug Enforcement Administration (DEA), orders that the pending application for registration executed by Bradley Harbin, M.D., be, and it hereby is, denied.

This order is effective December 28, 1989.

Dated: December 18, 1989.

John C. Lawn,

Administrator.

[FR Doc. 89-30124 Filed 12-27-89; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 89-8]

Nick M. Higgins, D.D.S.; Grant of Limited Registration

On January 12, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Nick M. Higgins, D.D.S. (Respondent), of 13341 San Pedro, San Antonio, Texas 78230, proposing to deny his application, executed on October 10, 1988, for registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent's registration would be inconsistent with the public interest.

Respondent requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing procedures, a hearing was held on June 8 and 9, 1989, in San Antonio, Texas. On July 21, 1989, the administrative law judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Pursuant to 21 CFR 1316.66, on August 4, 1989, the Government filed exceptions to Judge Young's opinion and recommended decision. On August 31, 1989, the administrative law judge transmitted the record of these proceedings, including the Government's exceptions, to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth. Respondent is a dentist who entered the United States Air Force upon finishing dental school. While in the Air Force, Respondent was trained to perform oral surgery. In 1984, he became chief of oral surgery at Goodfellow Air Force Base. During the time Respondent was stationed at Goodfellow Air Force Base, he began to abuse Demerol, or meperidine, a Schedule II narcotic controlled substance. As a result of an investigation conducted at Goodfellow Air Force Base, Respondent was brought to trial on several charges. In December 1986, before the court martial, Respondent plead guilty to the wrongful use of meperidine or Demerol, and the theft of some meperidine owned by the Federal Government. Respondent was convicted as a result of his guilty pleas. The sentence was that he be discharged from the Air Force and that he forfeit all pay and allowances.

In April 1986, prior to the court martial, Respondent enrolled in a drug abuse treatment program conducted by the Army. After six weeks, he successfully completed the program. As part of his aftercare, Respondent was advised to continue participating in Alcoholics Anonymous or Narcotics Anonymous.

On March 17, 1987, Respondent submitted an application for a DEA Certificate of Registration in Schedules II–V. DEA considered Respondent's application in light of his conviction and drug treatment. Ultimately, an agreement was reached between Respondent, his attorney and DEA, regarding the application. The agreement, executed in November 1987, provided that DEA would issue Respondent a registration subject to certain conditions. One of the conditions of registration was that Respondent totally abstain from the use of all controlled substances unless properly prescribed by a physician.

During mid-1987, Respondent began working for a dentist in San Antonio, Texas. On or about March 31, 1988, Respondent broke into the drug storage cabinet at his place of employment, took 24 1cc vials of meperidine (50 mg./cc) and self-administered the entire amount. Respondent promptly told a representative of the Texas State Board of Dental Examiners what he had done. On April 8, 1988, Respondent admitted to a DEA investigator that he had taken the meperidine. As a result, Respondent voluntarily surrendered his DEA Certificate of Registration.

The Texas State Board of Dental Examiners issued a complaint against Respondent in light of his abuse of meperidine on March 31, 1988. On October 27, 1988, the Board issued its final order accepting Respondent's plea of no contest to the charges against him and placing Respondent's dental license on probation for five years subject to certain conditions, including the surrender of his Schedules II and IIN privileges. In addition, Respondent was ordered to remain in, and abide by, all of the mandates set by the Texas Dental Association Peer Assistance Program. As a result of the Board order, at the hearing in this matter, Respondent orally withdrew his request to be registered with DEA in Schedules II and IIN, since he is not authorized by the State of Texas to handle those substances.

The administrative law judge also found that after the March 31, 1988, incident, Respondent admitted himself to an in-patient addiction treatment program. After completion of the in-patient phase of the program, Respondent has continued with out-patient requirements of the program, including active participation in Alcoholics Anonymous or Narcotics Anonymous groups, random drug screens and supervision by a certified drug abuse counselor.

In reviewing the factors listed in 21 U.S.C. 823(f), the administrative law judge noted that the Texas State Board of Dental Examiners found it appropriate for Respondent to be registered in Schedules III, IIIN, IV and V. Judge Young further noted that Respondent had violated state, local and Federal laws by abusing controlled substances, however, these violations should be considered in the context of what Respondent is currently doing and where he is today. The administrative law judge found that Respondent is presently participating in a carefully designed and closely supervised ongoing, active program which appears well-tailored to give strong support and successful assistance in maintaining a continuing drug free recovery. At the time of the hearing, Respondent had been participating in this program for over a year and his drug abuse counselor considers Respondent to be committed to the program.

The administrative law judge concluded that it would not be inconsistent with the public interest for Respondent to have a DEA registration in Schedules III, IIIN, IV and V, if the registration would be subject to certain conditions. First, within 60 days of June 9, 1989, the date of the hearing in this matter, Respondent should undertake in writing to continue in a recovery program for three years from June 9, 1989. This program is to be essentially similar to the recovery program that Respondent is presently participating in pursuant to his agreement with the Texas Dental Association Peer Assistance Program. The Texas program's requirements, as modified so as to be applicable to a DEA registration, would be as follows:

1. Remain abstinent from all alcohol and other mind-altering drugs except on rare occasions where drugs are prescribed by an addictionologist/M.D. or attending psychiatrist/M.D. in charge of the addicted person's treatment.

2. Attend at least three meetings per week of AA or NA and document with AA attendance logs.

3. If an impaired dentist/physician support group meets within a one hour drive from his residence, attend these meetings one time per week and document as an AA or NA meeting on the log. If the support group meetings are more than one hour's drive time from his residence, attend one such meeting a month and document.

4. Obtain a certified drug abuse counselor who agrees to file a quarterly progress report with the DEA San Antonio office and to

report any non-compliance with this program to the same office.

5. Surrender DEA controlled substance registration if its retention is likely to interfere with recovery as recommended by the certified drug abuse counselor.

6. Not only is attendance at AA or NA meetings required, but there must be a bona fide effort made to work actively all of the steps of the program within the first year of the period of this agreement as per the supervision of the certified drug abuse counselor.

7. Stay away from people, places, or things leading to a drink or a drug.

8. Submit and pay for surprise random drug screens at intervals established by the certified drug abuse counselor in consultation with the DEA San Antonio office. Copies of the results are to be filed immediately with the DEA San Antonio office by the counselor.

9. Be willing to be grateful for another day of sobriety by one daily act of kindness.

10. When in doubt about his fears or problems, call for help from his sponsor or counselor and be in touch at least once a day with that counselor.

The administrative law judge recommended that the second condition on which a limited DEA registration should be issued to Respondent is that within 60 days of June 9, 1989, Respondent should submit to DEA a written sworn statement executed by a certified drug abuse counselor. This statement would be essentially as follows:

I am a physician with a practice in the field of addiction medicine. I am certified by the American Medical Society on Alcoholism and other Drug Dependencies for American Society of Addiction.

With this letter I am assuming the responsibility of supervision of Dr. Nick M. Higgins' recovery process as well as his compliance with current and future conditions of his receiving his limited DEA registration.

I hereby voluntarily undertake the following duties:

1. To supervise the Recovery and Supervision Program heretofore agreed to by Dr. Nick M. Higgins as a condition of his being issued a limited DEA registration;

2. To administer surprise, random urinalysis to Dr. Nick M. Higgins either at the initiation of the DEA San Antonio office or on my own initiative whenever I deem appropriate;

3. To immediately report any evidence of drug usage or other violation of the Recovery and Supervision Program to the DEA San Antonio office; and

4. To truthfully answer under oath any inquiries which may be made of me by the DEA San Antonio office or its investigators and to file a quarterly report on Dr. Nick M. Higgins' progress with the DEA San Antonio office.

I further agree to make all such reports and documents available to the DEA San Antonio office regardless of any adverse consequences which may be occasioned to Dr. Nick M. Higgins. I understand my role in the protection of society and accept the seriousness of the responsibility which has been entrusted to me. I agree to make all required reports under oath and subject to the penalties imposed by law for perjury.

The administrative law judge recommended that the third and final condition for issuance of a limited DEA registration is that within 60 days of June 9, 1989, Respondent should undertake, in writing, to be subject to certain of the provisions of the DEA Memorandum of Agreement that he entered into in 1987, as follows:

1. Dr. Higgins agrees to abide by all Federal, state and local laws and regulations relating to controlled substances.

2. Dr. Higgins agrees to submit to the DEA San Antonio office a log of all controlled substances which he prescribes, administers or dispenses in his practice. The report should include the date, name of patient, the name and quantity of the controlled substance that is prescribed, administered or dispensed. The log will be submitted on a quarterly basis for two years from the issuance of the DEA Certificate of Registration.

3. Dr. Higgins agrees to submit to the DEA San Antonio office a list of all DEA official order forms that he issues for purchases of Schedule II controlled substances. The log should include the date of the order, the name and qualtity of the controlled substance ordered, the name of the place where the drug was ordered from, the date of receipt and the quantity received. The report will be submitted on a quarterly basis for two years from the date of issuance of the DEA Certificate of Registration.

4. Dr. Higgins agrees that DEA personnel may enter his office at any time during regular business hours without prior notice to verify compliance with this Memorandum of Agreement. He will permit entry of DEA personnel without an administrative inspection warrant or other means of entry.

5. Dr. Higgins agrees to notify the DEA San Antonio office prior to transferring his DEA Certificate of Registration to another address.

In his opinion, Judge Young recommended that if Respondent adheres to the conditions of registration set out above, Respondent should then be issued a DEA registration in Schedules III, IIIN, IV and V. Judge Young further recommended that should Respondent not submit the statements required by the conditions of registration, Respondent's pending application for registration should be denied in its entirety.

On August 4, 1989, Government counsel filed exceptions to the opinion and recommended ruling of the administrative law judge. The Government first took exception to the administrative law judge's third condition for issuance of a limited registration, whereby Respondent must agree to be subject to certain provisions of the DEA Memorandum of Agreement entered into in 1987. The Government points out that the administrative law judge does not specifically set a period of time that Respondent must be subject to the terms of the agreement. In his opinion, the administrative law judge does recommend that as the first condition for issuance of a limited registration, Respondent must agree to continue in a recovery program for three years from June 9, 1989, essentially similar to the recovery program Respondent is presently participating in pursuant to the agreement with the Texas Dental Association Peer Assistance Program. The Government contends in its exceptions, that Respondent should be subject to the provisions set forth in the 1987 Memorandum of Agreement for a period of three years from June 9, 1989, as well.

Secondly, the Government noted that the administrative law judge recommended that Respondent be required to submit a "list of all DEA official order forms that he issues for purchases of Schedule II controlled substances." The Government contends that since the administrative law judge recommended that Respondent be issued a Certificate of Registration in Schedules III–V, there is no need for Respondent to submit such a list.

Finally, the Government took exception to the fact that the administrative law judge made no recommendation regarding Schedule II privileges, other than that Respondent not be granted registration in that Schedule at the present time. Respondent's substance abuse problem has been with Demerol or meperidine, a Schedule II controlled substance. Testimony at the hearing indicated that Schedule III controlled substances are sufficient for Respondent to effectively perform all of his dental procedures. In addition, the Texas State Board of Dental Examiners presently only permits Respondent to be registered in Schedules III–V; however, testimony at the hearing indicated that respondent could be granted Schedule II privileges by the State of Texas at any time. Accordingly, the Government urged the Administrator to order that even if Respondent's Schedule II privileges are reinstated by the State of Texas, Respondent may not apply for a DEA registration in Schedules II and IIN during the three-year probationary period with DEA.

The Administrator has reviewed the record in its entirety and finds that Respondent has severely abused his privileges as a DEA registrant. The Administrator also finds, however, that Respondent has made and continues to

make a sincere effort to eliminate his addiction. The Administrator concludes that Respondent should be given an opportunity to change his life and to be a useful member of society. The administrative law judge recommended extensive conditions for Respondent to adhere to if granted a DEA registration. The Government, in its exceptions, suggested a few modifications to the administrative law judge's recommendation. It is the Administrator's understanding that Respondent has submitted the appropriate documentation to DEA regarding these conditions of registration. The Administrator adopts the recommendations of the administrative law judge as modified to include all of the proposals made by Government counsel in her exceptions.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that Respondent be issued a DEA Certificate of Registration in Schedules III, IIIN, IV and V subject to the above-described conditions until June 9, 1992. The Administrator further orders that Respondent not apply for Schedule II and IIN privileges until June 9, 1992. This order is effective December 28, 1989.

Dated: December 20, 1989.

John C. Lawn,

Administrator.

[FR Doc. 89-30125 Filed 12-27-89; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-23,615]

Andrew T. Johnson Company, Inc., Boston, MA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 20, 1989 in response to a petition which was filed on November 20, 1989 on behalf of workers and former workers at Andrew T. Johnson Company, Incorporated, Boston, Massachusetts. The workers produce graphics and blueprints for architects.

The Department determined that the petition for Trade Adjustment Assistance for workers at Andrew T. Johnson Company, Incorporated, Boston, Massachusetts (TA-23,615) was not valid because two of the signatures were not authentic and the one worker signature that was authentic was not a company official or a worker representative. Since the petitioning group of workers do not have a valid petition, the Department can not proceed with its investigation to determine whether the workers of Andrew T. Johnson Company, Incorporated, Boston, Massachusetts meet the eligibility requirements for Trade Adjustment Assistance, therefore the investigation has been terminated.

Signed at Washington, DC this 19th day of December 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-30154 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

Atlas Wireline Service and Atlas Wireline McCullough; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Atlas Wireline Service (formerly Dresser Atlas)
TA-W-20,980 Alice, Texas
TA-W-20,982 Laredo, Texas
TA-W-20,982A all other locations in Texas
TA-W-20,982B all locations in North Dakota
TA-W-20,982C all locations in New Mexico
TA-W-20,982D all locations in Utah
TA-W-20,982E all locations in California
TA-W-20,982F all locations in Oklahoma
TA-W-20,982G all locations in Louisiana
TA-W-20,982H all locations in Mississippi
TA-W-20,982I all locations in Colorado
TA-W-20,982J all locations in Illinois
TA-W-20,982K all locations in Kentucky
TA-W-20,982L all locations in Alaska

Atlas Wireline McCullough (formerly NL Industries)
TA-W-20,981 Alice, Texas
TA-W-20,983 Laredo, Texas
TA-W-20,983A all other locations in Texas
TA-W-20,983B all locations in North Dakota
TA-W-20,983C all locations in New Mexico
TA-W-20,983D all locations in Utah
TA-W-20,983E all locations in California
TA-W-20,983F all locations in Oklahoma
TA-W-20,983G all locations in Louisiana
TA-W-20,983H all locations in Mississippi
TA-W-20,983I all locations in Colorado

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 on November 14, 1988 applicable to all workers of Atlas Wireline Service and Atlas Wireline McCullough both in Alice and Laredo, Texas. The certification was amended on June 6, 1989 and published in the Federal Register on June 20, 1989 (54 FR 25917).

The Department, on its own motion, is amending the certification to reflect the proper impact date for workers of Atlas Wireline McCullough. Under the original certification, workers at Atlas Wireline McCullough, Alice, Texas were certified eligible to apply for adjustment assistance with an impact date of October 1, 1985. The amended certification issued on June 6, 1989 incorrectly amended the impact date to January 1, 1988 for workers of Atlas Wireline McCullough, Alice, Texas and to Atlas Wireline McCullough workers in North Dakota, New Mexico, Utah, Oklahoma, California, Louisiana, Mississippi, Colorado and other locations in Texas except Laredo. Accordingly, the impact date for workers at Atlas Wireline McCullough in all locations except Laredo, Texas is amended from January 1, 1988 to October 1, 1985.

The amended notice applicable to TA-W-20,980; TA-W-20,981; TA-W-20,982 and TA-W-20,983 is hereby issued as follows:

All workers of Atlas Wireline Service, formerly Dresser Atlas, in Alice and Laredo, Texas and in all other locations of Texas and in all locations in the States of North Dakota, New Mexico, Utah, California, Oklahoma, Louisiana, Mississippi, Colorado, Illinois, Kentucky and Alaska who became totally or partially separated from employment on or after October 1, 1985 and all workers of Atlas Wireline McCullough (formerly NL Industries) in Alice, Texas and all other locations in Texas except Laredo, Texas and in all locations in the States of North Dakota, New Mexico, Utah, California, Oklahoma, Louisiana, Mississippi and Colorado who became totally or partially separated on or after October 1, 1985 and all workers of Atlas Wireline McCullough in Laredo, Texas who became totally or partially separated from employment on or after January 1, 1988 are eligible to apply for adjustment assistance under Section 222 of the Trade Act of 1974.

Signed at Washington, DC, this 15th day of December 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-30155 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

Celsius Energy Co.; Negative Determination Regarding Application for Reconsideration

TA-W-23,215	Denver, CO
TA-W-23,285	Salt Lake City, UT

By applications dated November 21 and December 8, 1989, former worker of Celsius Energy Company requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on October 25, 1989 and published in the

Federal Register on November 9, 1989 (54 FR 47149)

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 former workers were engaged in exploration and drilling activities and state that the Department's denial notice is in error by claiming that the workers produce an article. Further, the former workers imply that the Department is inconsistent by certifying workers of other exploration companies and denying the workers at Celsius Energy.

The 1988 amendments to the Trade Act of 1974 contained in the Omnibus Trade and Competitiveness Act (OTCA) extended eligibility for trade adjustment assistance (TAA) to workers of independent firms performing the service of drilling or exploration to unaffiliated firms in the oil and gas industry. However, the investigation findings show that Celsius Energy is a subsidiary of Questar and is engaged in exploration and drilling for crude oil and natural gas for production companies affiliated with Questar.

In order for workers in affiliated firms like Celsius Energy to be certified eligible for adjustment assistance, their separations must be caused by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership or control. In any case the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and the reduction must directly relate to the product impacted by imports. These conditions have not been met for workers of Celsius Energy. None of the workers of the producing facilities for which Celsius provides services is currently certified as eligible to apply for adjustment assistance benefits.

If exploration and drilling workers were certified for adjustment assistance in the firms cited on the application, it is because they provided oil and gas drilling and exploration services either to unaffiliated firms in the oil and gas industry like Louisiana Land or were part of an affiliated integrated production unit whose production workers independently met the group eligibility requirements of the Trade Act.

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, DC, this 20th day of December, 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-30156 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,316]

Litton Panelvision, Pittsburgh, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Litton Panelvision, Pittsburgh, Pennsylvania. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-23,316; Litton Panelvision, Pittsburgh, Pennsylvania (December 14, 1989).

Signed at Washington, DC, this 20th day of December 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-30157 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,584]

O & K Trojan Industries, Inc., Batavia, NY; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 6, 1989 in response to a worker petition received on November 6, 1989 which was filed by the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers, Local Lodge 78, on behalf of workers at O & K Trojan Industries, Inc., Batavia, New York.

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 19th day of December 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-30158 Filed 12-27-89; 8:45 am]

BILLIG CODE 4510-30

[TA-W-23,366]

Schindler Elevator Corp., Toledo, OH; Affirmative Determination Regarding Application for Reconsideration

By a letter dated December 1, 1989, Local #20 of the Teamsters Union requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of Schindler Elevator Corporation, Toledo, Ohio. The negative determination was issued on November 6, 1989 and published in the **Federal Register** on November 28, 1989 (54 FR 48954).

The union claims, among other things, that the company is replacing its OH, EK, 153, 302, 402 and 601 machines in its elevator assemblies with imported machines. These machines are the principal parts of the elevator assemblies. The union also claims that several other components were replaced with imported components.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 20th day of December 1989.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Serivices, UIS.

[FR Doc. 89-30159 Filed 12-27-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23, 159]

Teleflex Inc. Marine Division, Limerick, PA; Negative Determination on Reconsideration

On December 8, 1989, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Marine Division of