

or alien entrepreneur (EB-5) filed inadvertently at the Vermont or Nebraska Service Centers will be returned with a notice that directs the petitioner or applicant to mail the petition or application directly to the Texas or California Service Center, as appropriate, for processing.

Dated: November 13, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98-32237 Filed 12-3-98; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP(OJJDP)-1201]

RIN 1121-ZB37

Announcement of the Availability of Training and Technical Assistance To Replicate a Drug Prevention Program as Identified by the Office of Juvenile Justice and Delinquency Prevention

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP), Justice.

ACTION: Notice of availability of training and technical assistance.

SUMMARY: Announcement of the availability of OJJDP-funded training and technical assistance to replicate a drug prevention program.

DATES: The due date for receipt of applications is specified in the Program Announcement.

ADDRESSES: Office of Juvenile Justice and Delinquency Prevention, 810 Seventh Street, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: General information about application procedures and copies of the Program Announcement (discusses the nature and purpose of the program and describes application requirements and deadlines) and the Application Kit (includes application forms and instructions that apply to all OJJDP funding opportunities) are available from OJJDP's Juvenile Justice Clearinghouse (ordering and contact information is found in the Background section). Specific questions about the Program Announcement and related requirements should be directed to the Program Manager referenced in the Program Announcement.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Fiscal Year 1998 Appropriations Act, Pub. L. 105-119, 111 Stat. 2440 (November 26, 1997).

Background

Applicants will receive training and technical assistance to replicate Life Skills Training, a drug abuse prevention program. Prospective applicants should contact the Juvenile Justice Clearinghouse (JJC) for copies of the Program Announcement and Application Kit by calling 800-638-8736. To request that a copy be mailed to you, select option 2 or 3, and ask for SL 255 for the Program Announcement and SL 254 for the Application Kit. To have the Program Announcement faxed to you, call 800-638-8736 and select option 1 to reach JJC's fax-on-demand service, then choose option 2, and enter 9046. The Program Announcement and the Application Kit are also available on the Internet at www.ncjrs.org/ojjhome.htm; see Grants and Funding or New Initiatives sections.

Dated: December 1, 1998.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 98-32351 Filed 12-3-98; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

November 30, 1998.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Todd R. Owen ({202} 219-5096 ext. 143) or by E-Mail to Owen-Todd@dol.gov.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for, ESA, MSHA, OSHA Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- * Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- * Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- * Enhance the quality, utility, and clarity of the information to be collected; and

- * Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration.

Title: Representative Fee Request.

OMB Number: 1215-0078 (extension).

Frequency: On occasion.

Affected Public: Business or other for-profit; Individuals or household.

Number of Respondents: 14,000.

Estimated Time Per Respondent: 20 to 90 minutes.

Total Burden Hours: 10,000.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): 17,150.

Description: Individuals filing for compensation benefits with the Office of Workers' Compensation Programs (OWCP) may be represented by an attorney or other representative. The representative is entitled to request a fee for services under 20 CFR 10.145 (Federal Employees' Compensation Act) and 20 CFR 702.132 (Longshore and Harbor Workers' Compensation Act). The fee must be approved by the OWCP before any demand for payment can be made by the representative.

Agency: Employment Standards Administration.

Title: The Black Lung Provider Enrollment Form.

OMB Number: 1215-0137 (extension).

Agency Number: CM-1168.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 4,000.

Estimated Time Per Respondent:

Three to seven minutes.

Total Burden Hours: 300.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): 1,400.

Description: ESA's Division of Coal Mine Workers' Compensation (DCMWC) is responsible for maintaining a list of authorized treating physicians and medical facilities in the area of a miner's residence and for payment of certain medical bills and services provided to the miner under the Black Lung Benefits Act. This form is sent to and completed by new providers who wish to participate in providing medical services to miners. The information provided is used by DCMWC to create a data base identifying medical providers by name, address, and billing information, and the type of medical service they will provide.

Agency: Employment Standards Administration.

Title: Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlements.

OMB Number: 1215-0151 (revision).

Frequency: Annually.

Affected Public: Individuals or household.

Number of Respondents: 50,000.

Estimated Time Per Respondent: 20 minutes.

Total Burden Hours: 16,666.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): \$17,500.

Description: The Department of Labor is seeking approval to revise this information collection to include a question asking if the respondent has ever been convicted of a fraud related offense in connection with the application or receipt of worker's compensation benefits. It also asks whether the respondent has been incarcerated for any period during the last 15 months for any felony offense. These additional questions are necessitated by 5 U.S.C. 8148(a), which provides that an individual convicted of any violation related to fraud in the application for, or receipt of, any compensation benefit, forfeits (as of the date of such conviction) any entitlement to such benefits for any injury occurring on or before the date of conviction. Also, 5 U.S.C. 8148(b)(1) requires that no Federal compensation benefit can be paid to any individual for any period during which such individual is incarcerated for any felony offense.

Agency: Occupational Safety and Health Administration.

Title: Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment (29 CFR part 1915)

OMB Number: 1218-0011 (extension).

Frequency: Varies (Daily, On Occasion).

Affected Public: Business or other for-profit; Not for-profit institutions; Federal Government; State, local or tribal.

Number of Respondents: 82,560.

Estimated Time Per Respondent: Varies from 2 minutes to 5 minutes.

Total Burden Hours: 136,403.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): 0.

Description: The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

The information collection requirements contained in the standard on Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment (29 CFR part 1915) are necessary for the protection of employees exposed to hazardous atmospheres in shipyard employment. Hazardous atmospheres, whether toxic, flammable or oxygen deficient/enriched, are found throughout shipyard employment, in shipbuilding, ship breaking, repair and land side activities. Before employees can work in spaces that may contain hazardous atmospheres, the spaces must be inspected and often tested to determine atmospheric contents. In some situations, the testing is done by a Marine Chemist, Coast Guard Authorized Person, or certified industrial hygienist and a hot work certificate is issued and posted. To make sure the atmosphere in a space remains safe for workers, retesting is required. In the vast majority of situations, a Shipyard Competent Person (SCP) will test the space, record and maintain the results and post instructions for the workers to follow prior to or during work in the space. The SCP must also retest as necessary to maintain safe conditions.

Employees who must enter spaces that may contain hazardous atmospheres must be certified that they have received training and a record of the certification maintained by the employer.

Employers and employees are unable to recognize, flammable or oxygen deficient/enriched atmospheres in

spaces without first testing to determine that hazardous conditions exist. By requiring employers, under 29 CFR 1915.7, to ensure that employees have the ability and knowledge to recognize, test for, and remove these hazards and to specifically assign certain duties to these employees, OSHA is reducing the incidence of accidents caused by hazardous atmospheres within shipyard employment, including but not limited to, vessels and vessel sections.

Agency: Occupational Safety and Health Administration.

Title: Control of Hazardous Energy Sources (Lockout/Tagout) (29 CFR 1910.147).

OMB Number: 1218-0132 (extension).

Frequency: Varies (Initially, Yearly, On Occasion).

Affected Public: Business or other for-profit; Not for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 462,340.

Estimated Time Per Respondent: Varies from 15 seconds to 2.5 hours.

Total Burden Hours: 818,098.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): 0.

Description: The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

The collections of information contained in the standard on the Control of Hazardous Energy Sources (Lockout/Tagout) are needed to reduce injuries and deaths in the workplace that occur when employees are engaged in maintenance, repair, and other service related activities requiring the control of potentially hazardous energy. The employer will use the information in the procedures he or she develops to provide employees with a clear understanding of uniform and safe methods for the application and removal of energy control measures involving work on machines or equipment, thereby reducing accident probability. In addition, the information will be used by employers to enable them to pinpoint methods and operations currently in use that may require additional attention. The failure to provide and maintain access to this information will significantly impair the

Occupational Safety and Health Administration's effort to control or reduce injuries and fatalities in the workplace that are associated with these activities and conditions.

Agency: Occupational Safety and Health Administration.

Title: Electrical Standards for Construction (29 CFR part 1926, Subpart K).

OMB Number: 1218-0130 (revision).

Frequency: Initially, On Occasion.

Affected Public: Business or other for-profit; Not for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 278,500.

Estimated Time Per Respondent: Varies from .02 to .17 hour.

Total Burden Hours: 53,001.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): 0.

Description: The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

In the Electrical Standards for Construction (29 CFR part 1926, Subpart K), the written description of the Assured Equipment Grounding Conductor Program (AEGP) required by 1926.404(b)(1)(iii) allows employers, employees, and OSHA compliance officers to determine how the requirements of the standard are being met, including the method of recording tests. For example, the employer's written program might specify the use of yellow tape to color code every tool and cord set. By referring to the written program, OSHA compliance officers and other persons can easily determine if the employer is complying with the program.

The posting of warning signs enables employees to avoid accidental contact of electrical equipment used on construction sites. Contact with unguarded live electrical parts, especially at high voltage, can be hazardous to employees.

The tagging of controls, equipment and circuits is intended to prevent the inadvertent reactivation of the controls, equipment and circuits while they are being serviced.

Agency: Occupational Safety and Health Administration.

Title: Presence Sensing Device Initiation (PSDI) (29 CFR 1910.217(h)).

OMB Number: 1218-0143 (extension).

Frequency: Varies (Initially, Yearly, On Occasion).

Affected Public: Business or other for-profit; Not for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 0.

Estimated Time Per Respondent: Varies from .02 to .17 hour.

Total Burden Hours: 1.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): 0.

Description: The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

The collections of information contained in the Presence Sensing Device Initiation (PSDI) standard are considered essential for ensuring the safety of employees using presence sensing devices. The requirement for affixing test rod instructions label to the presence sensing device—

1910.21(h)(10)(I)—enhances the proper and essential device testing. Because operator safety depends on the PSDI safety system, conforming with the equipment testing and checking requirements is absolutely essential for worker safety.

The requirements for certification/validation 1910.217(h)(11)(I) through (vi), (13), and Appendices A and C—ensure that the design, installation, and ongoing maintenance of the safety system is objectively evaluated for conformance with all applicable requirements of the section. The section further requires notification of unplanned incidents such as component failures and accidents which could impair the continuing safety of the system. For employees, employers, OSHA compliance and consultation personnel, insurance authorities, and others involved to be able to recognize easily that the system meets OSHA standards, the press must be labeled to affirm validation/certification. Submitting copies of accident reports to the validation organization is necessary to assure that the validation organization will have knowledge of field experience in this mode of press

operation and will be able to incorporate any lessons learned from the accidents into the certification/validation program provisions.

Because this rule permits a mode of operation which previously was prohibited, OSHA believes it is especially essential to verify that this method does not compromise worker safety. The certification/validation program provides a method to ensure that the press and related equipment are properly arranged and that the installation does not become degraded over time. It should be noted that although OSHA uses the term "certification" for this process, it should not be confused with the use of the word as addressed in the Office of Management and Budget (OMB) implementing regulations for the Paperwork Reduction Act, to reflect a minimal information collection method. The word "certification" in this rulemaking is based on the American National Standard ANSI Z31.1.1-1987, and is nationally recognized as describing a broad, comprehensive, well-defined program for ensuring product or material conformance with established standards.

OSHA believes the burden for this information collection request is minimal as employers have not incurred any paperwork to comply with the standard because they have not elected to use PSDI features on their power presses. OSHA is requesting one hour approval from OMB in the event an employer may wish to use a PSDI, which will trigger the collection of information requirements.

Agency: Mine Safety and Health Administration.

Title: Refuse Piles and Impounding Structures, Recordkeeping and Reporting Requirements.

OMB Number: 1219-0015 (Extension).

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Estimated Time Per Respondent: 128 hours.

Number of Respondents: 12,768.

Total Burden Hours: 96,688.

Total Annualized Capital/startup Costs: 0.

Total Annual (operating/maintaining): \$0.

Description: Requires coal mine operations submit to MSHA an annual status report and certification on impoundments and hazardous refuse piles; and to keep records of the results of weekly examinations and instrumentation monitoring impounds.

Agency: Mine Safety and Health Administration.

Title: Records of Tests and Examinations of Personnel Hoisting Equipment.

OMB Number: 1219-0034 (extension).

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 360.

Estimated Time Per Respondent: 96 hours.

Total Burden Hours: 34,460.

Total Annualized Capital/startup Costs: \$0.

Total Annual (operating/maintaining): \$0.

Description: Coal mine operators are required to test and inspect the personnel hoisting system to ensure that the system remains safe to operate. Any deficiencies found are to be recorded, corrected and, a record made and maintained for one year.

Todd R. Owen,

Departmental Clearance Officer.

[FR Doc. 98-32255 Filed 12-3-98; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-34,498 and NAFTA-02347]

Kunkle Foundry Company, Incorporated, Andrews, Indiana; Notice of Negative Determination on Reconsideration

On August 26, 1998, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on September 10, 1998 (63 FR 48525).

The Department initially denied TAA to workers of Kunkle Foundry because the "contributed importantly" group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The Department conducted a survey of major customers of the subject firm. None of the respondents indicated any imports of bronze castings. The workers at the subject firm were engaged in employment related to the production of bronze castings.

The petitioner asserted that subject firm production of bronze castings had been shifted to Mexico and imported into the U.S.

On reconsideration, the department requested that the subject firm provide additional information about the disposition of certain castings. After discussions with company officials and officials with companies with whom the

castings have been out-sourced, the department has found that the out-sourced castings are being manufactured in New Jersey and Texas and not in Mexico.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Kunkle Foundry Company, Incorporated, Andrews, Indiana.

Signed at Washington, DC, this 12th day of November 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-32275 Filed 12-3-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of November, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-34,971; Zilog, Inc., Nampa, ID

TA-W-35,059; Textron Turf Care &

Specialty Products, Racine, WI

TA-W-34,883; Corning, Inc., Corning

Metals Shop, Corning, NY

TA-W-34,914; Arlee Home Fashions,

Houston, MO

TA-W-34,843; Smith Tool, Ponca City, OK

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-35,112; Reliability, Inc., Durham, NC

TA-W-34,980; Ogden Atlantic Design Co., Charlotte, NC

TA-W-34,960; The Warren Group., Secaucus, NJ

TA-W-34,950; Kidz Klothz Group, Inc., New York, NY

TA-W-35,097; Wallet Works, Horse Cave, KY

TA-W-35,096; US Technologies, Sewell, NJ

TA-W-35,119; Tri State Associated Wholesale Grocer, El Paso, TX

TA-W-35,118; Institute for Scientific Information, Cherry Hill, NJ

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-34,915; Syntec Industries, Inc., Rome, GA

TA-W-34,998; PCC Merriman, Hingham, MA

TA-W-35,039; Reese Enterprises, Inc., Acme Metal Products, Plymouth, PA

TA-W-35,083 & A; Union Apparel, Inc., Norvelt, PA & Perfect Cutting Co., Inc., Norvelt, PA

TA-W-34,927; Siemens Westinghouse Power Corp., Winston-Salem, NC

TA-W-34,795; National Textiles L.L.C., Morganton, NC

TA-W-34,862; Rexair, Inc., Cadillac, MI

TA-W-34,784; Thorn Apple Valley, Frederick Fresh Pork Div., Detroit, MI

TA-W-35,095; McCulloch Corp., Lake Havasu City Warehouse, Lake Havasu City, AZ

TA-W-34,906; Fairchild

Semiconductor, South Portland, ME

TA-W-34,847; Technaflo, Inc., Vancouver, WA

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each