

appropriate amount of subsistence reimbursement, the employer may use the GSA system under which a traveler qualifies for meal expense reimbursement per quarter of a day. Thus, a worker whose travel occurred during two quarters of a day is entitled, with receipts, to a maximum reimbursement of \$15.00.

If a worker has no receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.102(b)(4) as specified above.

Signed at Washington, D.C., this 4th day of February, 1999.

**John R. Beverly, III,**

*Director, U.S. Employment Service.*

[FR Doc. 99-3269 Filed 2-9-99; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Federal-State Unemployment Compensation Program: Unemployment Insurance Program Letter Interpreting Federal Unemployment Insurance Law

The Employment and Training Administration interprets Federal law requirements pertaining to unemployment compensation (UC) as part of its role in the administration of the Federal-State UC program. These interpretations are issued in Unemployment Insurance Program Letters (UIPLs) to the State Employment Security Agencies. The UIPL described below is published in the **Federal Register** in order to inform the public.

#### UIPL No. 13-99

To promote the employment of public assistance recipients, some States have considered or enacted legislation to ensure that employer experience rates are not adversely affected if these individuals subsequently become unemployed. For example, States have excluded from the employer's experience rating computations unemployment benefits paid to former employees who previously received public assistance. UIPL No. 13-99 advises State agencies of the Department of Labor's position that consideration of the receipt of public assistance or other pre-employment circumstances of employees (current or former) in employer experience rating determinations does not conform with Federal law requirements at Section 3303(a)(1) of the Federal Unemployment Tax Act (FUTA). The Department takes this position for two reasons: (1) using

these circumstances to a priori exclude wages earned by a worker ignores a portion of the employer's experience with respect to unemployment, inconsistent with Section 3303(a)(1), FUTA, and (2) the receipt of public assistance and other pre-employment circumstances are not directly related to the employer's experience with the impact of unemployment on his or her workers, as required by Section 3303(a)(1), FUTA. All situations where the consideration of pre-employment income or circumstances could be introduced into a State's experience rating system, including the noncharging of benefits, is inconsistent with Federal law.

Dated: February 3, 1999.

**Raymond L. Bramucci,**

*Assistant Secretary of Labor.*

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

Classification: UI

Correspondence Symbol: TEUL

Date: January 22, 1999

Directive: Unemployment Insurance Program Letter No. 13-99

To : All State Employment Security Agencies  
From: Grace A. Kilbane, Director,  
Unemployment Insurance Service

Subject: Consideration of Former Employees' Pre-employment Income or Circumstances In Experience Rating Computations

1. *Purpose.* To inform States of the Department of Labor's position regarding the use of former employees' pre-employment income or circumstances in determining employer experience rates.

2. *References.* Section 3303(a)(1), Federal Unemployment Tax Act (FUTA) and Unemployment Insurance Program Letter (UIPL) 29-83.

3. *Background.* In order to promote the employment of public assistance recipients, some States have considered or enacted legislation intended to ensure that employer experience rates are not adversely affected if these individuals subsequently become unemployed. A method chosen by some States to prevent an adverse effect on experience rates has been to exclude from the employer's experience rating computations unemployment benefits paid to former employees who have previously received public assistance.  
Rescissions: None  
Expiration Date: Continuing

The Department of Labor considers efforts to encourage the employment of public assistance recipients laudable; however, it is the Department of Labor's position that consideration of the receipt of public assistance or other pre-employment circumstances of employees (current or former) in employer experience rating determinations does not conform with Federal law.

4. *Federal Law Requirements.* Section 3303(a)(1), FUTA, contains the Federal experience rating requirement for employers

in a State to receive the additional credit against the FUTA tax. Additional credit is allowed to employers paying reduced rates of contributions, where the State law conforms with 3303(a)(1), FUTA. For FUTA tax credit purposes, these employers are treated as though they had paid contributions at the highest rate assigned based on experience, or 5.4 percent, whichever is lower. Section 3303(a)(1), FUTA, requires that State law provide that:

no reduced rate of contributions to a pooled fund or to a partially pooled account is permitted to a person (or group of persons) having individuals in his (or their) employ except on the basis of his (or their) experience with respect to unemployment or other factors bearing a direct relation to unemployment risk during not less than the 3 consecutive years immediately preceding the computation date;<sup>1</sup>

Although the term "experience" is often used as convenient shorthand, no State system directly measures experience with respect to unemployment. Instead, all States use a factor or combination of factors bearing a direct relation to unemployment risk. Since the unemployment risk of the worker is the basic phenomenon which is to be measured, the factors referred to in Section 3303(a)(1) are limited to those basic elements that measure an employer's experience with the impact of unemployment upon his or her workers. (See page 2 of the Attachment to UIPL 29-83.) In addition, the experience must be measured throughout a period of not less than 3 years preceding the computation date.

The use of public assistance status or other pre-employment circumstances of individual workers is not consistent with this interpretation of the requirements of Section 3303(a)(1), FUTA, for two reasons. First, using these circumstances to a priori exclude wages earned by a worker in determining experience is inconsistent with Federal law, since a portion of the employer's experience during the 3-year period will never be used.

Second, the receipt of public assistance and other pre-employment circumstances are not directly related to the employer's experience with the impact of unemployment on his or her workers. These circumstances are not directly related to the employer's need for services, the term of employment, or the reason for separation from employment. For example, during a lay-off, all workers are separated due to a lack of work. Whether the individual previously received public assistance has no bearing on the fact that a lack of work exists. As another example, if a worker is discharged for misconduct, the reason for the separation is the worker's misconduct, not pre-employment status.

In conclusion, all situations where the consideration of pre-employment income or circumstances could be introduced into a State's experience rating system, including the noncharging of benefits, is inconsistent

<sup>1</sup> Section 3303(a), FUTA, also makes provision for States to reduce the rate of contributions for new employers.

with Section 3303(a)(1), FUTA.<sup>2</sup> However, because the Department of Labor strongly supports endeavors to employ public assistance recipients, the Department is exploring legally permissible avenues that might benefit employers who hire welfare recipients. We will notify States of the findings upon completing the effort.

5. *Action.* State administrators are requested to take necessary action to assure that State law conforms with and is applied consistently with Section 3303(a)(1), FUTA, as interpreted in this UIPL.

6. *Inquiries.* Please direct inquiries to the appropriate Regional Office.

[FR Doc. 99-3266 Filed 2-9-99; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Job Training Partnership Act: Native American Employment and Training Council

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. Sec. 10), as amended, and section 401(k)(1) of the Job Training Partnership Act, as amended [29 U.S.C. 1671(k)(1)], notice is hereby given of a meeting of the Native American Employment and Training Council.

**TIME AND DATE:** The meeting will begin at 9:00 a.m. EST on Thursday, February 25, 1999, and continue until 5:00 p.m. EST that day. The meeting will reconvene at 9:00 a.m. EST on Friday, February 26, 1999, and adjourn at 4:00 p.m. EST on that day. The period from 3:00 p.m. to 5:00 p.m. EST on February 25 will be reserved for participation and presentation by members of the public.

**PLACE:** On Thursday, February 25, Room S-1011, and on Friday, February 26, Rooms N-5437 A, B, and C of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**STATUS:** The meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** The agenda will focus on the following topics: (1) status of the Program Year 1998 Partnership Plan; (2) progress of the evaluation of the section 401 program; (3) progress of the performance

measures/standards workgroup; (4) status of technical assistance and training provision for Program Year 1998 and 1999; (5) status of FY 1999 Indian and Native American Welfare-to-Work program implementation; and (6) status of pending implementation of the Workforce Investment Act, including a report on the progress of the Regulations Work Group.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anna W. Goddard, Director, Office of National Programs, Employment and Training Administration, U.S. Department of Labor, Room N-4641, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219-5500, ext 122 (VOICE), or (202) 326-2577 (TDD) (these are not toll-free numbers).

Signed at Washington, DC, this 4th day of February, 1999.

**Anna W. Goddard,**

*Director, Office of National Programs.*

[FR Doc. 99-3267 Filed 2-9-99; 8:45 am]

BILLING CODE 4510-30-M

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meeting

**AGENCY HOLDING MEETING:** National Science Foundation, National Science Board.

**DATE AND TIME:** February 17, 1999, 9:00 a.m.—Open Session.

**PLACE:** The G. Paul Getty Trust, 1200 Getty Center Drive, Getty Research Institute Lecture Hall, Los Angeles, CA 90049-1681.

**STATUS:** This meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

*Wednesday, February 17, 1999*

Open Session (9:00 a.m.—12:00 noon)

—Chairman's Report

—Director's Report

—Framework for Revising the NSF Strategic Plan

—Presentation: Demographic Considerations in Human Resources Development

—NSB Report on Achievement in Science and Mathematics Education

—Other Business

Open Session (2:30 p.m.—6:00 p.m.)

—Welcoming Remarks and Keynote Address

—Symposium on Environmental Research, Education and Assessment

—Session 1: Emerging Interdisciplinary Opportunities

*Thursday, February 18, 1999*

Open Session (8:30 a.m.—12:00 noon)

—Symposium on Environmental Research, Education and Assessment, continued  
Session 2: New tools, Connections, Ways of Thinking  
Session 3: Ethics and Equity

Open Session (1:30 p.m.—5:00 p.m.)

—Symposium on Environmental Research, Education and Assessment, continued  
Session 4: From Reaction to Proaction  
Session 5: Enabling Partnerships

**Marta Cehelsky,**

*Executive Officer.*

[FR Doc. 99-3408 Filed 2-8-99; 2:23 pm]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the tendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 15, 1999, through January 29, 1999. The last biweekly notice was published on January 27, 1999 (64 FR 4152).

#### Notice of Consideration of Issuance of Amendments to Facility Operating Licenses Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation

<sup>2</sup> Although the Department of Labor has not developed a comprehensive noncharging policy, noncharging based on pre-employment income or circumstances is prohibited, because, as explained above, it is plainly inconsistent with Federal law.