

**DEPARTMENT OF LABOR****Employment and Training  
Administration****[NAFTA-02706]****Electronic Components & Systems,  
Inc., Including Temporary Workers of  
National Staffing Resources, Tucson,  
Arizona; Amended Certification  
Regarding Eligibility To Apply for  
NAFTA-Transitional Adjustment  
Assistance**

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on November 20, 1998, applicable to all workers of Electronic Components & Systems, Inc., Tucson, Arizona. The notice was published in the **Federal Register** on December 16, 1998 (63 FR 69313).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that some workers of Electronic Components & Systems, Inc. were temporary workers of National Staffing Resources employed to produce printed circuit boards at the Tucson, Arizona facility.

Based on these findings, the Department is amending the certification to include temporary workers from National Staffing Resources, Inc., Tucson, Arizona who were engaged in the production of printed circuit boards at Electronic Components & Systems, Inc., Tucson, Arizona.

The intent of the Department's certification is to include all workers of Electronic Components & Systems, Inc. adversely affected by the shift of production to Mexico. Accordingly, the Department is amending the certification to reflect this matter.

The amended notice applicable to NAFTA-02706 is hereby issued as follows:

All workers of Electronic Components & Systems, Inc., Tucson, Arizona and temporary workers of National Staffing Resources, Tucson, Arizona engaged in employment related to the production of printed circuit boards for Electronic Components & Systems, Inc., Tucson, Arizona who became totally or partially separated from employment on or after October 27, 1997 through November 20, 2000 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 10th day of February, 1999.

**Grant D. Beale,**

*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc. 99-3973 Filed 2-17-99; 8:45 am]

BILLING CODE 4510-30-M

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Petitions for Modification**

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

**1. Alex Energy Company**

[Docket No. M-98-116-C]

Alex Energy Company, P.O. Box 150, Leivasy, West Virginia 26676 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Flying Eagle Mine (I.D. No. 46-08576) located in Nicholas County, West Virginia. The petitioner proposes to mine through gas wells using the specific procedures outlined in this petition. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**2. Independence Coal Company, Inc.**

[Docket No. M-98-117-C]

Independence Coal Company, Inc., HC 78, Box 1800, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Allegiance Mine (I.D. No. 46-08735) located in Boone County, West Virginia. The petitioner proposes to use 2,400 volt cables to power its new model continuous mining machines using specific procedures outlined in this petition. The petitioner asserts that the proposed alternative method would not result in a diminution of safety to the miners.

**3. Parcoal, Inc.**

[Docket No. M-98-118-C]

Parcoal, Inc., P.O. Box 218, Isom, Kentucky 41824 has filed a petition to modify the application of 30 CFR 75.364(a) (weekly examination) to its Mine No. 1 (I.D. No. 15-17963) located in Perry County, Kentucky. Due to hazardous roof conditions in certain areas of the return air course, the affected area is unsafe to travel. The petitioner proposes to establish check

points at two locations outside the unsafe area to check the air quantity and quality on a daily basis and record the results as a part of the pre-shift inspection. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**Request for Comments**

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov", or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1999. Copies of these petitions are available for inspection at that address.

Dated: February 5, 1999.

**Carol J. Jones,**

*Acting Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 99-3908 Filed 2-17-99; 8:45 am]

BILLING CODE 4510-43-P

**LEGAL SERVICES CORPORATION****Public Hearing; Comment Request**

**AGENCY:** Legal Services Corporation.

**ACTION:** Request for comments and notice of public hearings of Commission authorized by the Legal Services Corporation to study the issue of when aliens must be present in the United States to be eligible for legal assistance from Corporation-funded programs.

**SUMMARY:** The Legal Services Corporation ("LSC" or "Corporation") has formed and authorized a Commission to hold public hearings and study the meaning of a statutory requirement in the Corporation's appropriations act that an alien be present in the United States in order to be eligible for legal assistance from LSC-funded programs (hereinafter referred to as "the presence requirement"). This notice provides preliminary information on the public hearings that will be held by the Commission and also requests written comments on the presence requirement. In addition to written comments, requests from interested parties to provide oral testimony at the hearings will be accepted. The public hearings and comments are intended to aid the Commission compile a factual record and prepare findings to be transmitted to the Corporation's Board

of Directors, along with recommendations, to inform the Corporation's interpretation of the presence requirement and to provide the basis for any remedial action, such as a rulemaking or a request for legislative action by the Congress.

**DATES:** Comments and requests to provide oral testimony should be received by the Corporation on or before March 22, 1999.

**ADDRESSES:** Comments and requests should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First St. NE., 11th Floor, Washington, DC 20002-4250.

**FOR FURTHER INFORMATION CONTACT:** Suzanne B. Glasow, Office of the General Counsel, 202-336-8817.

**SUPPLEMENTARY INFORMATION:** The Corporation's appropriations act prohibits LSC-funded recipients from providing legal assistance to an alien unless the alien is present in the United States and falls into certain delineated categories. See Section 504(a)(11) of Pub. L. 104-134, incorporated by reference in Pub. L. 105-277. Although there is general agreement that present in the United States means to be physically in the United States, it is not clear when an alien must be present. One interpretation of the language would require an alien to be physically present in the United States any time the alien is provided legal assistance from an LSC recipient. Another is that the alien must be physically present only when legal representation is commenced. A third is that the alien must be physically present only when the cause of action for which the recipient provides legal assistance occurs.

Although the presence requirement applies to all categories of aliens listed in the Corporation's appropriations act, the aliens most affected are the seasonal agricultural workers, which would include H-2A workers, Special Agricultural Workers (SAWS), and permanent resident aliens who perform seasonal agricultural work. For example, H-2A workers, as a rule, are not in the United States long enough for the resolution of many of their legal matters, making effective representation for this class of aliens questionable. Similarly, it is not uncommon for permanent resident aliens who are farm workers to temporarily leave the United States at the end of the agricultural season while their legal matters are still pending.

On November 16, 1998, the Corporation's Board of Directors ("Board") voted to confer on the Board Chairman the authority to establish a special panel to study the issue and

make a report to the Board with recommendations to inform the Corporation's interpretation of the presence requirement. See LSC Board Resolution 98-011. Subsequently, a Commission was established and the Commission held an organizational meeting at the Corporation on February 2, 1999. Members of the Commission are John N. Erlenborn, Chairman (member of the LSC Board); Professor T. Alexander Aleinikoff, Georgetown University Law Center; Gilbert F. Casellas, Esquire, The Swarthmore Group; Professor Sarah H. Cleveland, University of Texas School of Law; Professor Nancy H. Rogers, Ohio State University College of Law (member of the LSC Board). Serving as the reporter for the Commission is Professor Enid Trucios-Haynes, Louis D. Brandeis School of Law, University of Louisville.

#### Public Comment

The Commission seeks public comment on the facts and circumstances surrounding the representation of aliens who are affected by the presence requirement, with a particular emphasis on seasonal agricultural workers. Comments are specifically requested on the following questions. How long are seasonal agricultural workers typically in the United States? When does the seasonal agricultural worker normally seek legal representation? What are the common claims of seasonal agricultural workers seeking legal representation? When do the claims of seasonal agricultural workers generally ripen? How long does it typically take to resolve a seasonal agricultural worker's legal claims? What is the established practice of LSC recipients in representing seasonal agricultural aliens? What is the likelihood that private counsel is available to represent aliens who are in the United States under temporary visas or who may temporarily leave the United States? Under what circumstances do seasonal agricultural workers commonly leave the United States? What are the implications of the presence requirement on recipient attorneys' professional obligations to their clients?

#### Oral testimony

Oral testimony at the public hearings will be at the invitation of the Commission. Any person interested in providing oral testimony may submit a written request to do so in the written public comments or in a separate correspondence.

#### Public Hearings

Two public hearings will be held by the Commission. The two hearings are

scheduled for March 27, 1999, and April 10, 1999. Additional information on the hearings will be noticed in the **Federal Register**.

Dated: February 12, 1999.

**Victor M. Fortuno,**

*General Counsel.*

[FR Doc. 99-3981 Filed 2-17-99; 8:45 am]

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## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

#### Cost Accounting Standards Board; Notice

**AGENCY:** Cost Accounting Standards Board, Officer of Federal Procurement Policy, OMB.

**ACTION:** None.

**SUMMARY:** The Cost Accounting Standards Board (CASB) hereby extends an invitation for interested parties to provide comments on the following letter sent to organizations that responded to the Staff Discussion Paper (61 FR 49533, 9/20/96) on the treatment of the costs under government contracts for post-retirement benefit (PRB) plans. While a consensus emerged on many of the issues, the topics relating to the validity (compellability) of the post-retirement benefit obligation as a prerequisite for use of accrual accounting and the need, if any, to substantiate accruals by funding, engendered forceful, diverse, and often irreconcilable arguments. To promote a fuller dialogue and understanding of the issues before the Board, the Board is asking individuals to consider and comment on the opposing viewpoints discussed in the letter and to possibly expand on their own comments, if any.

**DATES:** Comments must be in writing, including an electronic copy of your comments in WordPerfect 6.1 or ASCII format, and must be received by March 15, 1999.

**ADDRESSES:** Comments should be addressed to the Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW, Room 9013, Washington, D.C. 20503. Attn: CASB Docket No. 96-02.

**FOR FURTHER INFORMATION CONTACT:** Rein Abel, Director of Research, Cost