

DEPARTMENT OF LABOR**Employment and Training
Administration****Job Training Partnership Act:
Employment and Training Assistance
for Dislocated Workers; Reallotment of
Title III Funds**

AGENCY: Employment and Training
Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor is publishing for public information the Job Training Partnership Act Title III (Employment and Training Assistance for Dislocated Workers) funds identified by States for reallotment, and the amount to be reallotted to eligible States.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Johnson, Office of Worker Retraining and Adjustment Programs, Employment and Training Administration, Department of Labor, Room N-5426, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: 202-219-5577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to Title III of the Job Training

Partnership Act (JTPA), as amended by the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA), the Secretary of Labor (Secretary) is required to recapture funds from States identified pursuant to section 303(b) of the Act, and reallot such funds by a Notice of Obligation (NOO) adjustment to current year funds to "eligible States" and "eligible high unemployment States", as set forth in section 303 (a), (b), and (c) of JTPA. 29 U.S.C. 1653. The basic reallotment process was described in Training and Employment Guidance Letter No. 4-88, dated November 25, 1988, Subject: Reallotment and Reallocation of Funds under Title III of the Job Training Partnership Act (JTPA), as amended, 53 FR 48737 (December 2, 1988). The reallotment process for Program Year (PY) 1995 funds was described in Training and Employment Guidance Letter No. 3-95, dated February 5, 1996, Subject: Reallotment of Job Training Partnership Act (JTPA) Title III Formula-Allotted Funds.

NOO adjustments to the PY 1996 (July 1, 1996-June 30, 1997) formula allotments are being issued based on expenditures reported to the Secretary by the States, as required by the recapture and reallotment provisions at Section 303 of JTPA. 29 U.S.C. 1653.

Excess funds are recaptured from PY 1996 formula allotments, and are distributed by formula to eligible States and eligible high unemployment States, resulting in either an upward or downward adjustment to every State's PY 1996 allotment.

Unemployment Data

The unemployment data used in the formula for reallotments, relative numbers of unemployed and relative numbers of excess unemployed, were for the October 1995 through September 1996 period. Long-term unemployment data used were for calendar year 1995. The determination of "eligible high unemployment States" for the reallotment of excess unexpended funds were also based on unemployment data for the period October 1995 through September 1996, with all average unemployment rates rounded to the nearest tenth of one percent. The unemployment data were provided by the Bureau of Labor Statistics, based upon the Current Population Survey.

The table below displays the distribution of the net changes to PY 1996 formula allotments.

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U.S. DEPARTMENT OF LABOR
Employment and Training Administration
PY 1996 JTPA Title III Reallotment to States

	COL 1	COL 2	COL 3	COL 4	COL 5	COL 6
Alabama	5.3	0	39,493	0	15,608	15,608
Alaska	7.5	212,429	0	0	0	-212,429
Arizona	5.0	0	28,608	0	11,306	11,306
Arkansas	5.0	0	15,635	0	6,179	6,179
California	7.5	0	608,805	608,805	240,614	849,419
Colorado	4.0	0	17,180	0	6,790	6,790
Connecticut	5.1	0	32,372	0	12,794	12,794
Delaware	4.8	0	5,173	0	2,044	2,044
District of Columbia	8.7	0	15,114	15,114	5,973	21,087
Florida	5.4	0	126,228	0	49,888	49,888
Georgia	4.6	0	40,509	0	16,010	16,010
Hawaii	5.9	0	14,380	14,380	5,683	20,063
Idaho	5.1	0	8,519	0	3,367	3,367
Illinois	5.3	0	110,632	0	43,724	43,724
Indiana	4.4	0	29,719	0	11,745	11,745
Iowa	3.3	0	11,004	0	4,349	4,349
Kansas	4.0	15,865	0	0	0	-15,865
Kentucky	5.2	0	31,555	0	12,471	12,471
Louisiana	6.6	0	61,548	61,548	24,325	85,873
Maine	5.3	0	12,327	0	4,872	4,872
Maryland	5.0	0	43,060	0	17,018	17,018
Massachusetts	4.8	0	48,535	0	19,182	19,182
Michigan	4.8	0	65,273	0	25,798	25,798
Minnesota	3.6	0	20,964	0	8,286	8,286
Mississippi	6.0	0	28,982	28,982	11,454	40,436
Missouri	4.1	0	28,380	0	11,216	11,216
Montana	5.7	0	9,414	9,414	3,721	13,135
Nebraska	2.8	37,163	0	0	0	-37,163
Nevada	5.1	0	12,277	0	4,852	4,852
New Hampshire	3.8	0	5,897	0	2,331	2,331
New Jersey	6.3	0	119,374	119,374	47,179	166,553
New Mexico	6.7	0	23,170	23,170	9,157	32,327
New York	6.3	0	245,481	245,481	97,020	342,501
North Carolina	4.4	0	34,126	0	13,488	13,488
North Dakota	3.0	0	2,381	0	941	941
Ohio	4.9	0	79,656	0	31,482	31,482
Oklahoma	4.4	0	16,019	0	6,331	6,331
Oregon	5.1	0	22,085	0	8,728	8,728
Pennsylvania	5.6	0	127,013	127,013	50,199	177,212
Puerto Rico	13.8	2,356,568	0	0	0	-2,356,568
Rhode Island	5.6	0	11,814	11,814	4,669	16,483
South Carolina	5.5	0	35,924	0	14,198	14,198
South Dakota	2.9	0	2,134	0	843	843
Tennessee	5.1	0	40,842	0	16,142	16,142
Texas	5.9	0	217,773	217,773	86,069	303,842
Utah	3.2	0	6,546	0	2,587	2,587
Vermont	4.2	0	2,773	0	1,096	1,096
Virginia	4.3	0	34,870	0	13,781	13,781
Washington	6.1	0	70,479	70,479	27,855	98,334
West Virginia	7.5	0	32,398	32,398	12,804	45,202
Wisconsin	3.6	0	22,968	0	9,077	9,077
Wyoming	4.5	0	2,616	0	1,034	1,034
NATIONAL TOTAL	5.5	2,622,025	2,622,025	1,585,745	1,036,280	0

COLUMN 1 Unemployment rate for 12 month period
 COLUMN 2 Amount of funds subject to recapture
 COLUMN 3 "Zero Excess": Total recaptured dollars distributed among all "eligible" States
 COLUMN 4 Step 1: For "eligible high unemployment" States, amount equal to Column 3
 COLUMN 5 Step 2: Remaining dollars distributed to all "eligible" States
 COLUMN 6 Total: Column 4 (Step 1) + Column 5 (Step 2) less Column 2 (recaptured amount)

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Explanation of Table

Column 1: This column shows each State's unemployment rate for the twelve months ending September 1996.

Column 2: This column shows the amount of excess funds which are subject to recapture. PY 1996 funds in an amount equal to the excess funds identified will be recaptured from such States and distributed as discussed below.

Column 3: This column shows total excess funds distributed among all "eligible States" by applying the regular Title III formula. "Eligible States" are those with unexpended PY 1995 funds at or below the level of 20 percent of their PY 1995 formula allotments as described above.

Column 4: Eligible States with unemployment rates higher than the national average, which was 5.5 percent for the 12-month period, are "eligible high unemployment States." These eligible high unemployment States received amounts equal to their share of the excess funds (the amounts shown in column 3) according to the regular Title III formula. This is Step 1 of the reallocation process. These amounts are shown in column 4 and total \$1,585,745.

Column 5: The sum of the remaining shares of available funds (\$1,036,280) is distributed among all eligible States, again using the regular Title III allotment formula. This is Step 2 of the reallocation process. These amounts are shown in column 5.

Column 6: Net changes in PY 1996 formula allotment are presented. This column represents the decreases in Title III funds shown in column 2, and the increases in Title III funds shown in columns 4 and 5. NOOs in the amounts shown in column 6 are being issued to the States listed.

Equitable Procedures

Pursuant to section 303(d) of the Act, Governors of States required to make funds available for reallocation shall prescribe equitable procedures for making funds available from the State and substate grantees. 29 U.S.C. 1653(d).

Distribution of Funds

Funds are being reallocated by the Secretary in accordance with section 303 (a), (b), and (c) of the Act, using the factors described in section 302(b) of the Act. 29 U.S.C. 1652(b) and 1653 (a), (b), and (c). Distribution within States of funds allotted to States shall be in accordance with section 302 (c) and (d) of the Act (29 U.S.C. 1652 (c) and (d)), and the JTPA regulation at 20 CFR 631.12(d).

Signed at Washington, D.C., this 9th day of January, 1997.

Timothy M. Barnicle,
Assistant Secretary of Labor.

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Occupational Safety and Health Administration**Washington State Standards; Notice of Approval***1. Background*

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the Federal Register (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards that are at least as effective as comparable Federal standards promulgated under Section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required.

By letter dated August 17, 1990, from Joseph A. Dear, Director, to James W. Lake, Regional Administrator, the State submitted on its own initiative amendments comparable to 29 CFR 1910.1045, Acrylonitrile. The State repealed WAC 296-62-07341 and re-issued the standard as WAC 296-62-07336, adding four non-mandatory appendices identical to the Federal. The state amendments were adopted in Administrative Order 88-04 on May 11, 1988, effective June 10, 1988. The re-numbered standard retained the substantive amendments to made to WAC 296-62-07341 in 1986: fifteen day notification of a regulated area, twenty-four hour notification of an emergency release, weekly surveys, air supplied respirators, prohibition of the use of

compressed air and dry sweeping, and provisions for lunchrooms. These substantive changes were adopted by the state in Administrative Order 86-28 on July 25, 1986, effective August 25, 1986. This standard was originally approved in the Federal Register (44 FR 65485) on November 13, 1979.

Also by letter dated August 17, 1990, the State on its own initiative submitted amendments comparable to 29 CFR 1910.1044, 1, 2-dibromo-3-chloropropane (DBCP). The state repealed WAC 296-62-07345 and re-issued the standard as WAC 296-62-07342, adding three non-mandatory appendices identical to the Federal. The state amendments were adopted in Administrative Order 88-04 on May 11, 1988, effective June 10, 1988. The re-numbered standard retained substantive amendments adopted in Administrative Order 86-28 on July 25, 1986. This standard was originally approved in the Federal Register (47 FR 26949) on June 22, 1982.

In response to Federal standards changes, and on its own initiative, the State submitted by letters from Mark O. Brown, Director, to James W. Lake, Regional Administrator, State standard amendments comparable to 29 CFR 1910.1027, 29 CFR 1915.1027 and 29 CFR 1926.1127, and 29 CFR 1928.1027, Occupational Exposure to Cadmium. The Federal initiated standards and corrections were published in the Federal Register on September 14, 1992, final rule (57 FR 42102); and April 23, 1993, corrections (58 FR 21778). A State initiated change omitted the printing of the entire Appendix F, "Nonmandatory Protocol for Biological Monitoring." Instead, Appendix F is available upon request. The changes and corrections were adopted in Administrative Order 93-01 on March 13, 1993, effective April 27, 1993; Administrative Order 93-06 on October 20, 1993, effective December 1, 1993; and Administrative Order 94-07 on July 20, 1994 effective September 20, 1994.

In response to Federal standard changes, and on its own initiative the state submitted by letter dated February 14, 1995 from Mark O. Brown, Director, to Richard Terrill, Acting Regional Administrator, state standard amendments comparable to 29 CFR 1910.146, Permit Required Confined Space. The Federal initiated standards and corrections were published in the Federal Register on January 14, 1993, Final Rule (58 FR 4462); June 29, 1993, Corrections (58 FR 34844); and May 19, 1994, Technical Amendments (59 FR 26114). The significant state initiated change expanded the scope and application of the OSHA General