

Dated: May 7, 2013.

**Elliott S. Kushner,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2013-12385 Filed 5-23-13; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions,

the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than June 3, 2013.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 3, 2013.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 8th day of May 2013.

**Elliott S. Kushner,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

## APPENDIX

[9 TAA petitions instituted between 4/29/13 and 5/3/13]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
82697 .....	AT&T .....	Pittsburgh, PA .....	04/29/13	04/26/13
	(Union) .....			
82698 .....	BI-LO LLC .....	Mauldin, SC .....	04/30/13	04/29/13
	(Workers) .....			
82699 .....	Medline Industries Inc. ....	Clearwater, FL .....	04/30/13	04/29/13
	(State/One-Stop) .....			
82700 .....	Dell Inc. (PNI Plant) .....	Austin, TX .....	05/01/13	04/29/13
	(Workers) .....			
82701 .....	Pfizer, Inc. ....	Groton, CT .....	05/01/13	05/01/13
	(State/One-Stop) .....			
82702 .....	Electrolux Home Products, Inc. ....	Webster City, IA .....	05/01/13	04/29/13
	(Company) .....			
82703 .....	Sanyo Solar of Oregon .....	Salem, OR .....	05/02/13	05/01/13
	(Company) .....			
82704 .....	YP Western Directory LLC .....	Pleasanton, CA .....	05/02/13	05/01/13
	(Workers) .....			
82705 .....	Boeing Commercial Aircraft .....	Everett, WA .....	05/02/13	04/26/13
	(Union) .....			

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Workforce Investment Act of 1998 (WIA); Notice of Incentive Funding Availability Based on Program Year (PY) 2011 Performance

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

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), in collaboration with the Department of Education (ED), announces that 15 States are eligible to apply for Workforce Investment Act

(WIA) (Pub. L. 105-220, 29 U.S.C. 2801 et seq.) incentive grant awards authorized by section 503 of the WIA.

**DATES:** The 15 eligible States must submit their applications for incentive funding to the Department of Labor by July 8, 2013.

**ADDRESSES:** Submit applications to the Employment and Training Administration, Office of Policy Development and Research, Division of Strategic Planning and Performance, 200 Constitution Avenue NW., Room N-5641, Washington, DC 20210, *Attention:* Karen Staha and Luke Murren. Telephone number: 202-693-3733 (this is not a toll-free number). Fax: 202-693-2766. Email: [staha.karen@dol.gov](mailto:staha.karen@dol.gov) and [murren.luke@dol.gov](mailto:murren.luke@dol.gov). Information may also be found at the ETA Performance Web site: <http://www.doleta.gov/performance>. Additional information on

how to apply can be found in Training and Employment Guidance Letter 20-01 Change 11, which will be forthcoming.

#### FOR FURTHER INFORMATION CONTACT:

Luke Murren at Email  
[Murren.Luke@dol.gov](mailto:Murren.Luke@dol.gov).

**SUPPLEMENTARY INFORMATION:** Fifteen States (see Appendix) qualify to receive a share of the \$10,428,273 available for incentive grant awards under WIA section 503. These funds, which were contributed by the Department of Education from appropriations for the Adult Education and Family Literacy Act (AEFLA), are available for the eligible States to use through June 30, 2015, to support innovative workforce development and education activities that are authorized under title IB (Workforce Investment Systems) or title II (AEFLA) of WIA, or under the Carl D.

Perkins Career and Technical Education Act of 2006 (Perkins IV), 20 U.S.C. 2301 et seq., as amended by Pub. L. 109-270. In order to qualify for a grant award, a State must have exceeded its performance levels for WIA title IB and adult education (AEFLA). (Perkins IV removed the requirement that funds be reserved to carry out section 503 of WIA which only referenced P.L. 105-332 (Perkins III); thus, the Department of Labor (DOL) and the Department of Education (ED) no longer consider States' performance levels under Perkins IV in determining eligibility for incentive grants under Section 503 of WIA.) The performance related goals used to determine a State's eligibility status include: employment after training and related services, retention in employment, and improvements in literacy levels, among other measures. After review of the performance data submitted by States to DOL and to ED, each Department determined for its

program(s) which States exceeded their performance levels (the Appendix at the bottom of this notice lists the eligibility of each State by program). These lists were compared, and States that exceeded their performance levels for both programs are eligible to apply for and receive an incentive grant award. Due to the fact that there were insufficient funds to award the minimum amount mentioned in WIA section 503, DOL used a formula where 95 percent of the total available funds were distributed evenly among all eligible states, and the additional five percent was determined by the Department of Labor and the Department of Education based on the provisions in 20 CFR 666.230(c)(1), and is proportional to the total funding received by these States for WIA title IB and AEFLA programs.

The States eligible to apply for incentive grant awards and the amounts

they are eligible to receive are listed in the following chart:

State	Total award
Arizona .....	\$696,551
Arkansas .....	674,924
Georgia .....	717,658
Idaho .....	667,885
Kentucky .....	688,486
Louisiana .....	683,255
Minnesota .....	683,360
Missouri .....	692,377
New Hampshire .....	665,342
New York .....	768,000
Ohio .....	729,340
Pennsylvania .....	724,355
Rhode Island .....	668,615
Tennessee .....	697,963
West Virginia .....	670,161

Signed in Washington, DC, this 17th day of May, 2013.

**Jane Oates,**

*Assistant Secretary for Employment and Training.*

## APPENDIX

State	Incentive Grants PY 2011/FY 2012 Exceeded State Performance Levels		
	WIA (Title IB)	AEFLA (Adult Education)	WIA Title IB; AEFLA
Alabama .....			
Alaska .....			
<b>Arizona</b> .....	X	X	X
<b>Arkansas</b> .....	X	X	X
California .....			
Colorado .....	X		
Connecticut .....		X	
District of Columbia .....		X	
Delaware .....		X	
Florida .....			
<b>Georgia</b> .....	X	X	X
Hawaii .....	X		
<b>Idaho</b> .....	X	X	X
Illinois .....	X		
Indiana .....			
Iowa .....			
Kansas .....		X	
<b>Kentucky</b> .....	X	X	X
<b>Louisiana</b> .....	X	X	X
Maine .....			
Maryland .....	X		
Massachusetts .....	X		
Michigan .....	X		
<b>Minnesota</b> .....	X	X	X
Mississippi .....		X	
<b>Missouri</b> .....	X	X	X
Montana .....		X	
Nebraska .....			
Nevada .....	X		
<b>New Hampshire</b> .....	X	X	X
New Jersey .....	X		
New Mexico .....	X		
<b>New York</b> .....	X	X	X
North Carolina .....			
North Dakota .....	X		
<b>Ohio</b> .....	X	X	X
Oklahoma .....		X	
Oregon .....			
<b>Pennsylvania</b> .....	X	X	X

## APPENDIX—Continued

State	Incentive Grants PY 2011/FY 2012 Exceeded State Performance Levels		
	WIA (Title IB)	AEFLA (Adult Education)	WIA Title IB; AEFLA
Puerto Rico .....	.....	.....	.....
<b>Rhode Island</b> .....	X	X	X
South Carolina .....	X	.....	.....
South Dakota .....	.....	.....	.....
<b>Tennessee</b> .....	X	X	X
Texas .....	X	.....	.....
Utah .....	.....	.....	.....
Vermont .....	.....	.....	.....
Virginia .....	.....	.....	.....
Washington .....	X	.....	.....
<b>West Virginia</b> .....	X	X	X
Wisconsin .....	.....	.....	.....
Wyoming .....	.....	.....	.....

States in bold exceeded their performance levels for both AEFLA and WIA Title IB programs.

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Collection; Comment Request; Operations Under Water

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** 60-Day Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** All comments must be postmarked or received by midnight Eastern Standard Time on July 23, 2013.

**ADDRESSES:** Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number [MSHA-2013-0009].

- *Regular Mail or Hand Delivery:* MSHA, Office of Standards,

Regulations, and Variances, 1100 Wilson Boulevard, 21st floor, Room 2350, Arlington, VA 22209-3939.

**FOR FURTHER INFORMATION CONTACT:** Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at *McConnell.Sheila.A@dol.gov* (email); 202-693-9440 (voice); or 202-693-9441 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title 30 CFR 75.1716, 75.1716 1 and 75.1716 3 require operators of underground coal mines to provide MSHA notification before mining under bodies of water and to obtain a permit to mine under a body of water if, in the judgment of the Secretary, it is sufficiently large to constitute a hazard to miners. The regulation is necessary to prevent the inundation of underground coal mines with water that has the potential of drowning miners. Section 103(h) of the Mine Act, 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

The coal mine operator submits an application for the permit to the District Manager in whose district the mine is located. Applications contain the name and address of the mine; projected mining and ground support plans; a mine map showing the location of the river, stream, lake or other body of water and its relation to the location of all working places; and a profile map showing the type of strata and the distance in elevation between the coal bed and the water involved. MSHA has provided an exemption from notification and permit application for mine operators where the projected

mining is under any water reservoir constructed by a Federal agency as of December 30, 1969, and where the operator is required by such agency to operate in a manner that adequately protects the safety of miners. The exemption for such mining is addressed by 30 CFR 75.1716 and 75.1717.

MSHA also encourages a mine operator to provide more information in an application. When the operator files an application for a permit, in addition to the information required under 30 CFR 75.1716-3, MSHA recommends mine operators include a map of the active areas of the mine under the body of water showing the following: Bottom of coal elevations (minimum 10-ft contour intervals); the limits of the body of water and the estimated quantity of water in the pool; the limits of the proposed "safety zone" within which precautions will be taken; overburden thickness (depth of cover) contours; corehole locations; and known faults, lineaments, and other geologic features.

If the body of water is contained within an overlying mine, then MSHA recommends a map of the overlying mine showing bottom of coal elevations (minimum 10-ft contour intervals), when available; corehole locations; the limits of the body of water with the estimated quantity of water in the pool; and, interburden to active mine below be provided. Operators are also encouraged to submit other information such as the methods used to estimate the quantity of water in the pool; borehole logs, including geotechnical information (RQD, fracture logs, etc.) if available; rock mechanics data on the overburden, interburden, mine roof, and mine floor, if available; mining height of the seam being mined; pillar and floor stability analyses for the active mine;