

Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514-1590.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) 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;

(2) evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) 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.

Overview of this information collection:

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Application for Cancellation of Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form EOIR-42, Executive Office for Immigration Review, U.S. Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Individual aliens determined to be removable from the United States. This information collection is necessary to determine the statutory eligibility of individual aliens who have been determined to be removable from the United States for cancellation of their removal, as well as to provide information relevant to a favorable exercise of discretion in their case.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 11,400 responses per year at 5 hours, 45 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 65,550 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of

Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: January 21, 1997.

Robert B. Briggs,
Clearance Officer, U.S. Department of Justice.
[FR Doc. 97-1848 Filed 1-24-97; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

AGENCY: Employment and Training Administration, Labor.

ACTION: Supplemental information.

SUMMARY: In notice document 97-1226 beginning on page 2689 in the issue of Friday, January 17, 1997, and in notice document 97-1228 beginning on page 2689, the supplemental information is being provided.

On January 14, 1997, the Department of Labor submitted an emergency processing public information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). As indicated, a copy of the applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ((202) 219-5096, x. 143). However, to assist persons interested in reviewing the documents contained in these emergency processing public information collection requests, the Department of Labor is publishing the text of the two draft Training and Employment Guidance Letters.

Dated: January 21, 1997.

Theresa M. O'Malley,
Departmental Clearance Officer.

Directive: Training and Employment Guidance Letter No.

To: All State JTPA Liaisons, All State Worker Adjustment Liaisons, All State Employment Security Agencies, All One-stop Career Center System Leads

From: Barbara Ann Farmer,
Administrator for Regional Management

Subject: Workforce Flexibility (Work-Flex) Partnership Demonstration Program

1. *Purpose.* To announce the request for applications from States for the

Workforce Flexibility (Work-Flex) Partnership Demonstration Program.

2. *Background.* The 1997 Department of Labor's Appropriations Act (Public Law 104-208) authorizes the Workforce Flexibility (Work-Flex) Partnership Demonstration Program. This directive transmits the excerpts from the draft Federal Register Notice describing the process for submittal of applications.

The appropriations legislation provides that the Secretary of Labor may authorize Work-Flex demonstration program for provision of workforce employment and training activities in "* * * not more than six States, of which at least three States shall each have populations not in excess of 3,500,000 * * *". The Work-Flex waiver may be for a period of up to five years. Under this provision, the Secretary would authorize a State "to waive any statutory or regulatory requirement applicable to service delivery areas or substate areas within the State under titles I-III of the Job Training Partnership Act, with certain exceptions and "any of the statutory or regulatory requirements of sections 8-10 of the Wagner-Peyser Act".

The legislation authorizes the granting of the Work-flex waiver to a state pursuant to a plan submitted by the State and approved by the Secretary. Preference is to be given to States that have been designated as Ed-Flex partnership States under section 311(e) of Public Law 103-227. Excerpts from the draft Federal Register Notice which announces this application process is attached.

Unlike the legislative provisions for Ed-Flex, the legislative report language for Work-flex does not permit the Secretary of Labor to consider State waiver requests. Instead, such authority is restricted to the general waivers provisions. To address this deficiency, States may submit both a Work-flex application and a general waiver request at the same time. While there are differences in time coverage and exceptions for the two sets of waiver authorities, a combined request would permit a State to obtain waivers for both the State level and the service delivery area/substate level for a minimum of one year. We are entertaining joint submissions to permit streamlined submission and to facilitate the objectives of the overall waiver authority. If the general waiver authority is continued, then subsequent approvals of State waiver requests could be continued.

3. *Process for Submitting Applications.* Applications will be accepted by the Department until March 28, 1997. After that date, proposals will

be accepted only if fewer than six States apply or fewer than three with a population under 3,500,000 or fewer than six applications received by that date are approved by the Secretary.

4. *Action Required.* States which are interested in obtaining authority to grant waivers under the legislative authority provided must follow the requirements contained in the attached excerpts from the draft Federal Register Notice.

5. *Inquiries.* Questions regarding this directive should be referred to your Employment and Training Administration regional office.

6. *Attachment.* Excerpts from the draft Federal Register Notice.

Background

The Work-Flex program is a demonstration program under which the Secretary may grant six States the authority to waive certain statutory may grant six States the authority to waive certain statutory or regulatory requirements applicable to service delivery areas or substate areas within the State under titles I-III of the Job Training Partnership Act (JTPA) or sections 8-10 of the Wagner-Peyser Act (W-P Act). The legislation also contains certain provisions that may not be waived under the JTPA and the W-P Act. The types of these non-waivable provisions and the specific provisions are discussed below.

The granting of authority to issue waivers is intended to provide flexibility to States to enhance the development of a comprehensive work force development system and to improve the quality and quantity of outcomes for persons served. The legislation provides that at least three of the six States shall have a population not in excess of 3,500,000 and that preference be given to States designated under Ed-Flex. The proposal must provide a description of the process by which service delivery areas and substate areas may apply for and have waivers approved, the requirements of JTPA and the W-P Act to be waived, the outcomes to be achieved, and the measures to be taken to ensure appropriate accountability for Federal funds.

The Department is very interested in working with States within the statutory authority to make improvements in the work force delivery system. To this end, the Department wants the States to know it will actively consider applications which will assist the State and its local service delivery structure in implementing structure work force delivery system improvements. The Department of Labor's guiding

principles for reform of the job training systems include:

- Individual Opportunity and Customer Choice. Empowering participants who need employment and training services with the resources and information needed to make good choices.
- Leaner Government. Replacing separate programs with streamlined systems for youth and adults, organized around the principles espoused by the School-to-Work and One-Stop concepts.
- Greater Accountability. Ensuring a clear focus on results, not process, through mutually agreed upon improved performance outcomes.
- State and Local Flexibility. Providing States, local communities and training systems with the freedom to tailor programs to meet real, locally determined needs.
- Strong Private Sector Roles. Ensuring that business, labor and community organizations are full partners in systems design and quality assurance.

Finally, the Department wishes to remind the States of the importance, especially within the School-to-Work framework, of providing work opportunities, especially during the summer months to disadvantaged youth.

Application Requirements and Criteria

1. *Who may apply and when may applications be submitted?* Any State may apply for designation as a Work-Flex State. As required under the legislation and as discussed below, preference will be given to States designated as Ed-Flex States. Initially, applications will be received until March 28, 1997. Since the Secretary may delegate waiver authority to only six States, applications will be accepted after that date only if fewer than six States apply, or if fewer than three States apply with a population under 3,500,000 or if fewer than six States are approved for designation as Work-Flex States.

2. *What Information should be included in a State's Work-Flex proposal?* To be considered for designation as a Work-Flex State, the Governor, or agency administrator with jurisdiction over both the JTPA, titles I-III, and the WPA agency must submit an application to the Secretary. This application must include the following:

- a. *Plan.* A plan for the provision of workforce employment and training activities for the State.
- b. *JTPA Requirements.* A description of the process by which service delivery areas and substate areas may apply for and have waivers approved, including

the criteria for approval and examples of the waivers which will be considered for approval; and

c. *W-P Act Requirements.* A description of the specific requirements in Sections 8, 9 and 10 of the W-P Act and applicable regulations to be waived.

d. *Specific Elements to be Addressed.*

To be responsive to the above, the application must contain a specific description of the process and requirements for JTPA and W-P Act waivers (as appropriate), including:

- (1) Identification of the State official who would have authority to grant requested waivers, including documentation that the State has granted the official such authority;
- (2) Requirements for application for a waiver by service delivery areas and substate areas;
- (3) Identification of the JTPA provision(s) for which the waiver(s) will likely be requested (either specific, if known, or examples);
- (4) Description of the criteria for approval of waivers;
- (5) Process for providing an opportunity for public review and comment;
- (6) Requirement(s) for identification of improvement in outcomes to be expected as the result of granting a waiver;
- (7) Measures to be taken to ensure the appropriate accountability for federal funds;
- (8) Procedures that the State will use to monitor and evaluate the implementation of waivers by local areas, including the outcomes to be achieved;
- (9) A statement that there are no state legislative, regulatory or other impediments to administration of the waiver authority sought; and
- (10) Assurance that the state has the capacity to administer the waiver system.

As provided in the legislation, certain provisions are not subject to waiver under Work-flex. For the JTPA, these include requirements relating to wage and labor standards, grievances procedures, judicial review, nondiscrimination, allotment of funds and eligibility. Also, since waiver authority must be requested by and granted to service delivery areas or substate areas, state responsibilities or programs operated under statewide authority are not subject to waiver. For example, this includes designation of service delivery areas or substate areas, the state planning process, the State Education Coordination and grants under section 123, the Services to Older Individuals under section 204(d), the Title III funds reserved for state

activities (Governors' Reserve) under section 302(c) and grants awarded to States with Title III National Reserve Account (NRA) funds. *Note:* Some provisions (such as certain States responsibilities) not subject to waiver under the Work-flex authority may be eligible for waiver under the other new statutory or regulatory waiver authority included in the Appropriations Act. For example, a State may apply for waivers for State based programs. States must apply separately for such waivers.

For the W-P Act, only the requirements of sections 8-10, which relate to the development, review and approval of State plans, recordkeeping and reporting are waivable. The law also specifically excludes from waivers any such requirements relating to provision of services to unemployment insurance claimants and veterans and to universal access to basic labor exchange services without cost to job seekers.

c. *Public Consultation and Comment Process.* The Department expects the State to involve the local elected officials, the private industry councils, and community-based organizations and other stakeholders in the process when developing the application. Consistent with the general waiver request, the State must provide interested parties an opportunity to review and comment on the proposed application. At a minimum, the following groups must be afforded the opportunity to review and comment on the proposed application; (1) The State Job Training Coordinating Council; (2) each house of the State legislature; (3) local elected officials and Private Industry Councils; (4) appropriate local education and other public and non-profit agencies in the service delivery areas; and (5) labor organizations in the area which represent employees having the skills in which training is proposed. Also, the proposed application must be made reasonably available to the general public through such means as public hearings and local news facilities.

The Work-Flex authority is intended to provide States with the ability to enhance the development of a comprehensive workforce development system, including implementation of the one-stop Career system and the School-to-Work system. Another area of importance is the area of improving both the quality and quantity of outcomes of individuals served. Both of these will be of substantial importance in reviewing of proposals requesting the granting of the Secretary's authority for issuing waivers under Work-flex.

Criteria for Evaluation of Work-Flex Applications

Criteria for evaluation of Work-Flex proposals include:

1. *Plan and Outcomes.* The extent to which the authority sought will result in:
 - a. Improving the outcomes to persons served, and
 - b. The enhancing implementation of a comprehensive workforce development system in one or more areas.
 The extent to which the authority sought will enhance the implementation of the One-Stop Career Center system and/or the School-to-Work System will be major factors in the evaluation of proposals.
2. *Responsiveness.* The extent to which the application meets the requirements of the legislation and this Notice for submission of an application. This includes the quality of the process for reviewing and approving local applications for waivers and for documenting and monitoring the results of waivers.

3. *Accountability of Funds.* Measures to be taken to ensure the accountability of federal funds, including monitoring, evaluation and reports.

4. *Preference for Ed-Flex States—Tie-Breaking Procedures.* Proposals will be evaluated based on the quality and specificity of the proposal. In the event that proposals submitted are judged to be substantially equal, preference will be given to States previously designated as Ed-Flex States.

5. *Public Comments.* All comments received on the application should be forwarded with the application to the Department of Labor.

Conditions

1. *Federal Review of Work-Flex Waivers Granted.* In applying for waivers, States must recognize that the impact of the use of Work-Flex authority to achieve goals and outcomes specified in the State proposal will be reviewed annually against stated goals. The Department reserves the right to withdraw the authority to issue waivers if: Goals specified are not met for two consecutive years; use of the waiver authority is abused; or the state grants waivers for non-waivable provisions.

2. *Duration and Coverage.* Work-flex authority may be granted for up to five years. States granted such authority may approve waivers requested from all service delivery areas or substate areas or selected areas.

3. *Notification of the Granting of Waivers.* States will be required to submit reports on a quarterly basis concerning the administration of the

waiver authority and on the accomplishments under this authority. States shall notify the appropriate ETA Regional Administrator of the granting of a waiver(s) each quarter. This notification shall include the area for which the waiver is granted, the provision of legislation and/or regulations waived and the duration of the waiver.

4. *Federal Assistance.* States are encouraged to regularly consult with the ETA Regional office regarding any matters in which the discussion and assistance in the Work-Flex administration would be useful. Because Work-Flex is an important demonstration program with implications for future job training and employment service delivery, it is important that Work-flex be tested to ensure that appropriate accountability can be maintained. ETA regional staff will be responsible for providing information on Work-flex administration and implementation. States granted Work-flex authority will be required to work closely—on an ongoing basis—with Regional Office staff so that both the federal and State partners are fully informed on the status and issues under Work-flex. States may be asked to participate with ETA staff in designing and conducting an evaluation of the effectiveness of Work-flex. Directive: Training and Employment Guidance Letter No.

To:

All JTPA State Liaisons
All Wagner-Peyser Administering Agencies
All State Worker, Readjustment Liaisons
All One-Stop Career Center System Leads

From: Barbara Ann Farmer,
Administrator for Regional Management

Subject: Guidelines for Implementing Job Training System Improvements through Waivers of the Job Training Partnership Act (JTPA) and the Wagner-Peyser Act

1. *Purpose.* To transmit guidance for the development and submission of a request for waiver of JTPA and Wagner-Peyser Act general statutory/regulatory provisions.

2. *Reference.* The Department of Labor Appropriations Act of 1997 (Pub. L. 104-208 sections 101(e) and 105); Training Employment and Information Notice No. 11-96, Statutory and Regulatory Waiver Authority of the JTPA and the Wagner-Peyser Act.

3. *Background.* The Department of labor Appropriations Act for 1997, (Pub. L. 104-208) contains three provisions relating to waivers:

a. General Statutory/Regulatory Waiver Authority for JTPA & Wagner-Peyser;

b. The Work-Flex Partnership Demonstration Program; and

c. Continuation of the existing waiver authority for the State of Oregon.

These guidelines do not address the continuation of the Oregon waiver provision or the Work-Flex Partnership Demonstration Program. A separate TEGL will be issued on Work-Flex.

The Statutory/Regulatory Waiver provision gives the Secretary authority to grant both statutory and regulatory waivers of JTPA (titles I–III) and Wagner-Peyser Act (Sections 8–10) and contains “exclusions,” i.e., provisions that may not be waived. The general waiver authority is for a period of one program year beginning July 1, 1997 and provides:

- Increased flexibility to States and local areas in implementing reforms to the workforce development system in exchange for accountability for results including improved performance.
- An important opportunity for States and localities to begin or continue to organize services into a workforce development system through the concepts of One-Stop Career Centers and School-to-Work systems which enhance the training and employment opportunities available to adults and youths.

4. *Principles for Further Reforms of the Job Training System.* The Department of Labor’s (DOL) guiding principles for providing flexibility to the job training systems include:

- Individual Opportunity and Customer Choice. Empowering participants who need employment and training services with the resources and information needed to make good choices.

- Leaner Government. Replacing separate programs with streamlined systems for youth and adults, organized around the School-to-Work and One-Stop concepts.

- Greater Accountability. Ensuring a clear focus on results, not process, through mutually agreed upon improved performance outcomes.

- State and Local Flexibility. Providing States, local communities and training systems with the freedom to tailor programs to meet real, locally determined needs.

- Strong Private Sector Roles. Ensuring that business, labor and community organizations are full partners in systems design and quality assurance.

The employment and training community has been provided with new authority to build a Workforce

Development System. The Department believes that effective use of the authority will demonstrate Federal, State and local commitment to meeting the needs of our joint customers.

5. *Statutory and/or Regulatory Requirements Covered by the Waiver Authority.* The statutory and regulatory waiver authority apply to titles I–III of the Job Training Partnership Act and to sections 8–10 of the Wagner-Peyser Act.

Exclusions. Under the waiver provisions in the 1997 Appropriations Act the following JTPA provisions may not be waived.

- a. Wage and labor standards;
 - b. Worker rights, participation and protection;
 - c. Grievance procedures and judicial review;
 - d. Nondiscrimination;
 - e. Allocation of funds to local areas;
 - f. Eligibility;
 - g. Review and approval of plans;
 - h. Establishment and functions of service delivery areas and private industry councils; and
 - i. The basic purposes of the act.
- Requirements under the Wagner-Peyser Act relating to the following may not be waived:

- a. Services to unemployed insurance claimants and veterans;
- b. Universal access to basic labor exchange services without cost to job seekers.

The Department is very interested in working with States within the statutory authority to make improvements in the workforce delivery system. To this end, the Department wants the States to know that it will actively consider specific requests for waivers to remove programmatic and administrative barriers that will result in improved services to individuals, that will assist the State and its local service delivery structure in implementing workforce delivery system improvements, or that will remove requirements, either program or administrative, that do not appear to add value to the organization or delivery of quality services. Regional offices will work with States regarding specific provisions of the JTPA that can or cannot be waived.

The Department cannot waive other legislation which extends the authority provided in Public Law 104–208, other regulations, or Office of Management and Budget Circulars which apply to the State employment security agencies. Therefore, should a request be received for waivers which extend beyond the existing authority, it will not be granted. In a similar manner, the Department cannot entertain requests for retroactive changes.

6. *Policy.* In developing waiver requests, States should take into

consideration that the Department will not entertain the granting of waivers which result in the commingling of funds or which undermine accountability, as discussed below. While, in addition to the exclusions set forth in section 5 of this TEGL, there will be other policy considerations that will impact the Department’s decision on granting waivers, the Department believes the areas identified in this section to be significant enough to cite in this guidance.

a. *Prohibition on Commingling of Funds.* One of the purposes that could be served with the waiver authority is to make programs almost identical (or seamless) from the participant’s perspective. For example, a State or SDA could request that the program design requirements for titles II–A and III be uniform. However, it also should be noted that the waiver provisions do not authorize the commingling of funds from separate appropriations. General appropriations law (31 U.S.C. 1301(a)) requires that appropriations be applied only to the objects for which the appropriations were made unless the law otherwise provides. In this case, the waiver provisions do not provide specific authority to merge (as opposed to transfer) program funds. In fact, since eligibility is not waivable, it is clear that, for example, funds appropriated to provide assistance to dislocated workers under title III would have to be expended for that purpose, even though the particular requirements relating to the form of such assistance could be waived. Therefore, while the Department is committed to assisting States and SDAs in minimizing accounting and reporting burdens, the waiver authority does not permit the Department to relieve these entities from the responsibility of assuring that each appropriation is only expended for its intended purpose. Thus, while as noted above, the waiver authority could be used to make the program design requirements identical for titles II–A and III, the funds for the two programs would still have to be accounted for separately.

b. *Disadvantaged Youth.* The Department wishes to remind the States of the importance of serving economically disadvantaged youth during the summer months. Given the transfer provisions, commingling of funds does not present an issue between the title II–B and title II–C programs. However, the Department emphasizes the importance maintaining a summer component to serve economically disadvantaged youth during the summer months.

c. *Accountability.* To ensure programmatic and fiscal integrity, it is extremely important that there be both adequate oversight and complete reporting. Reporting must be sufficient to provide a record of individual need, the programmatic and financial outcomes achieved and the resultant indication of success and improvement. Monitoring is key to ensuring that the goals and objectives of both the program and any waivers granted will be achieved. While the Department may entertain waiver requests that pertain to reporting, it will not approve any such request that undermines the ability to account to the Congress for fundamental programmatic and financial outcomes or the ability to make basic comparisons in the performance among States. Also, the Department expects that State waiver requests will include plans to monitor performance under the waiver(s) to assure that the anticipated goals and objectives of the request(s) will be achieved.

7. *Waiver Elements.* Submission of waiver requests are voluntary. In the event that a State desires to seek a waiver the appropriations language requires that any such waiver request include:

a. Memorandum of Understanding (MOU). The MOU is between the Secretary and the State (Governor) and among other things, requires the State to "meet agreed upon outcomes and implement other appropriate measures to ensure accountability." The MOU will represent the agreement between the Secretary and the State vis a vis the waiver and constitute a modification to the Governor/Secretary Agreement or the ES Master Agreement as appropriate; and

b. Waiver Plan. The Appropriations Act requires the State to provide a minimum amount of information regarding the waiver requested (see Item 9.b. below). The "waiver plan" is the State's request to waive certain statutory or regulatory requirements. The "waiver plan" will be treated as a modification to the State's approved Governor's Coordination and Special Services Plan (GCSSP) required by section 121 of JTPA, or the State's Employment and Training Assistance for Dislocated Workers Biennial Plan, or the Wagner-Peyser Plans, whichever is applicable.

8. *Duration and Applicability of Waiver.* The waivers are for one year, starting on July 1, 1997, through June 30, 1998 and will apply to funds available for expenditure in program year 1997. This includes available funds from PY 1995, 1996 and 1997. While the ETA's statutory/regulatory waiver authority is limited to one year, it is

anticipated that if the authority is extended by the Congress and the State has used its authority prudently, then the waivers would be continued as has been the case in other similar instances.

9. *Waiver Plan Submission.*

a. Development of Waiver Request. *The Employment and Training Administration (ETA) Regional Offices will be responsible for providing guidance and assistance to the States as they are developing their waiver requests, answering questions about the ETA waiver policy and advising the Assistant Secretary regarding approval of the waiver request(s).* It is expected that the Regional Offices will have a continuing dialogue with their States during the developmental stages of waiver requests. The Regional Offices are available to review and provide comments on draft proposals and provide assistance in preparation of the waiver plan submission.

The Department intends that the process for development of waivers will be in a partnership with the State. To this end, States are invited to engage Regional Offices in the development of their waivers. The ETA Regional Administrators will make themselves and their appropriate staff available to consult with States and provide technical assistance as necessary. Upon completion of the waiver request, the States will submit two copies of their waiver request to the appropriate Regional Administrator.

b. Minimum Requirements. The statute requires the Secretary to make a determination of how a State's request to waive certain statutory and regulatory requirements would remove impediments and improve the State's or local service delivery areas's ability to achieve its goals. It also requires the State to include a summary description of the programmatic or administrative goals to be achieved in order to overcome the barrier.

The Governor must provide at least the minimum information indicated below in order for ETA to make an informed decision on whether to approve the requested waiver. Where documentation (e.g. statistical information, reports, focus groups, customer surveys) is available, it should be provided to corroborate the statements made in the waiver request. In the absence of such data the State is expected to provide a substantive discussion and examples of barriers and proposed solutions which support the proposed removal of the requirements.

(1) State and Local Goals. An introductory statement on the State's workforce development system that the State is attempting to build and how the

waivers relate to that broader vision, including the accountability framework. The goals provided should take into consideration the principles articulated above.

(2) Summary of Waiver Request(s). A matrix of the specific waiver(s) requested (including the legislative and/or regulatory citations); the barrier which the request addresses; and the outcome that will be achieved by the granting of the waiver. A description of how similar State requirements would be waived.

(3) Barriers/Requirements to be Waived. A summary description of the programmatic or administrative goals to be achieved in order to overcome the barriers and the individual waivers requested. For each waiver requested, include a description of the specific barrier which is preventing the achievement of the goals and an illustration of the barrier; the specific statutory/regulatory requirement to be waived; and a description of the expected benefit of the waiver.

(4) Impact of Waivers/Outcomes and Performance Targets. Description of performance outcomes and other improvements that are the goals of the waiver request. Describe the anticipated outcomes and/or performance improvements. Include qualitative and/or quantitative outcomes to be achieved. Specify how success and/or progress on outcomes will be determined.

(5) State and Local Service Delivery Areas Actions Taken to Remove Barriers. Specific actions taken or to be taken by the State or local service delivery areas to remove state and local barriers (e.g., policies, guidelines, rules and regulations) should also be addressed.

(6) Comments Process. Description of the consultation process within the State, as well as the process for review and comments on the State's waiver request.

(7) Monitoring. Description of the process the State will use to monitor the implementation of the waiver. Specify how the State will evaluate progress and continuous improvement of the approved waiver and the corresponding programmatic and operating systems, i.e., reports and analysis. Specify how outcomes/progress will be reported to DOL and how the integrity of public funds will be ensured.

c. *Public Consultation and Comment Process.* The Department expects the State to involve the local elected officials, PICs, community-based organizations and other stakeholders in the process when developing the plan which accompanies the waiver application. Consistent with the general

waiver request, the State must provide interested parties an opportunity to review and comment on the proposed waiver. At a minimum, the law requires that the following groups be afforded the opportunity to review and comment on the proposed waiver request: (1) The State Job Training Coordinating Council; (2) each house of the State legislature; (3) local elected officials and Private Industry Councils; (4) appropriate local educational and other public and private non-profit agencies in the service delivery areas; and (5) labor organizations in the area which represent employees having the skills in which training is proposed. (NOTE: In the case of a waiver request concerning Title III, the State is expected to consult with labor organizations representing workers to be trained.)

Also, the proposed plan must be made reasonably available to the general public through such means as public hearings and local news media. All comments received on the waiver request should be forwarded with the waiver request to the Department of Labor.

d. *Timeframe for Response.* The Department will make every effort to act upon proposals by July 1, 1997, if they are received by April 30. In general, the Department intends to respond to most waiver requests within 60 days from the date of receipt. Each waiver request will be evaluated on its own merits, where necessary, the Department may seek further discussions or negotiations on a waiver request either with regard to changing certain aspects of the request or with regard to the quality of the proposed improvements or outcomes. In order to provide a prompt response, the Department may respond with a partial approval in those instances where a request contains multiple parts and further information or clarification is required on one or more parts of the request. In the spirit of a continuing partnership to improve the workforce development system, the Department recognizes that the need for additional waivers may become apparent to the State during the implementation of its plan. Therefore, States may submit a request for an additional waiver as the need arises, following the process described in this TEGL.

10. Impact of New Statutory/Regulatory Waiver Authority on Current Regulatory Waiver Authority Promulgated at 20 CFR 627.210:

As indicated earlier in this TEGL, DOL's 1997 Appropriations Act provided authority for the Secretary to grant waivers, within limits, of statutory and regulatory requirements for titles I-III of the JTPA and for Sections 8-10 of

the Wagner-Peyser Act. Until the enactment of the JTPA Amendments and the promulgation of the September 2, 1994, Final Rule implementing those amendments, the Secretary did not have the authority to waive either the Act or regulations under either JTPA or Wagner-Peyser. The Final Rule included a provision for the Secretary of Labor to waive certain administratively imposed requirements as set forth at 20 CFR 627.201. This limited waiver authority did not extend to statutory requirements or statutorily-based regulatory requirements, which could not be waived. This authority also did not cover Wagner-Peyser provisions.

Questions have been raised as to what impact the new JTPA statutory and regulatory authority will have, if any, on waivers which have been granted under the regulatory authority codified at 20 CFR 627.201. The answer is, "none." Waivers previously granted under the old regulatory waiver authority will continue to remain in effect until such time as the Governor decides that the waiver is no longer necessary, or the duration of the granted waiver expires.

It is conceivable that a State may still wish to request a waiver under the authority outlined at 20 CFR 627.201. States should clearly indicate under which authority (i.e., JTPA regulations or DOL Appropriations Act) they are requesting a waiver. Failure to do so can slow down the review and approval/disapproval process.

11. *Actions Required.* States are expected to fully involve local areas in the development of the waivers. They are also requested to distribute the information on both the Federal process described in this TEGL and the State-established waiver process to their State staff (both JTPA and ES), the SESA local offices, the JTPA SDAs/SSAs, and other interested stakeholders throughout the State.

12. *Inquiries and Comments.* Requests for technical assistance or other inquiries should be directed to the Regional Office (see Attachment for list of regional liaisons).

Attachment

LIST OF REGIONAL LIAISONS ON WAIVER REQUESTS

Region and individual liaisons	Telephone Nos.
I Raymond H. Poet	617-565-2243
II Thomas J. McKenna ..	212-337-2180
III Barry Bridge	215-596-6353
IV Ruby Campbell	404-347-3495
V Donald Sutherland	312-353-2775
VI Anna C. Hall/Robert Larrea.	214-767-2154

LIST OF REGIONAL LIAISONS ON WAIVER REQUESTS—Continued

Region and individual liaisons	Telephone Nos.
VII Roland Berg	816-426-3796 x246
VIII Maxine Ugarte	303-844-1650
IX Ann Marie Myers	415-975-4669
X Smith Piper	206-553-7798

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[97-008]

Agency Information Collection: Submission for OMB Review, Comment Request

AGENCY: National Aeronautics and Space Administration (NASA).

SUMMARY: The National Aeronautics and Space Administration has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this proposal should be received on or before February 26, 1997.

ADDRESSES: All comments should be addressed to John R. Yadavish, Code XC, National Aeronautics and Space Administration, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Bessie B. Berry, NASA Reports Officer, (202) 358-1368.

Title: NASA Small Business Innovative Research (SBIR) Metrics.

Need and Uses: NASA SBIR Phase II awardee firms would be asked to voluntarily provide data once every three years regarding the extent to which commercial products and services and related commercial activity have resulted from NASA funded SBIR technology. This information is critical to NASA's evaluating and reporting on its success regarding one of its primary mission objectives that NASA programs' contributing significantly to the national economic growth, as well as NASA's success in meeting the objectives of the Vice President's National Performance Review recommendations for NASA and the President's National Space Policy.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 650 in total, of which approximately