

**Which H-1B Petitions Will Not Be Affected by This Notice?**

Petitions filed for sequential H-1B employment, concurrent H-1B employment, extension of H-1B stay, and amended H-1B petitions are not affected by this notice.

*Sequential employment* is where an alien assumes one H-1B position after another. For example, an H-1B chemist completes his or her assignment with "Company A" and then assumes a new position the very next day as an H-1B chemist with "Company B".

*Concurrent employment* is where an alien holds two H-1B positions at the same time. For example, an H-1B computer system analyst works for "Company A" full-time during the week and works for "Company B" part-time on the weekends.

An *extension of stay* is where the alien's current employer submits a petition to extend the alien's temporary stay.

An *amended petition* is where there has been a change in the conditions of the alien's employment, but the alien remains employed by the same petitioner.

**How Will H-1B Petitions Submitted For New or Initial Employment for Fiscal Year 1998 be Processed?**

Based on 8 CFR 214.2(h)(8)(ii)(E), the Service will return, with fee, any H-1B petition filed with the Service on or after the date of this notice for new or initial employment in fiscal year 1998. The petitioner will be advised in a notice to either resubmit the petition when numbers are available on October 1, 1998, or to resubmit the petition and request employment commencing on or after October 1, 1998.

In the case of those petitions pending with the Service on the date of this notice, the Service will contact the petitioner or the attorney of record and advise him or her that the 65,000 limit has been reached. The petitioner will then be given the option of either withdrawing the petition or requesting that the Service change the date of the beneficiary's intended employment to on or after October 1, 1998, the beginning of fiscal year 1999, when H-1B numbers will again become available.

**How Will H-1B Petitions Submitted For New or Initial Employment Beginning in Fiscal Year 1999 be Processed?**

H-1B petitions filed for employment commencing on or after October 1, 1998, which is the beginning of fiscal year 1999, are not affected by the procedures described in this notice and those

petitions will be adjudicated when received by the Service.

**What Will Happen if the Numerical Limitation is Raised by Congress?**

The Congress is currently considering whether to raise the numerical limit for fiscal year 1998. The procedures described in this notice will be modified if the limit is raised through legislation enacted by the Congress and signed by the President.

Dated: May 6, 1998.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

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BILLING CODE 4410-10-M

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****Susan Harwood Training Grant Program**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of availability of funds and request for grant applications.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) awards funds to nonprofit organizations to conduct safety and health training and education in the workplace. This notice announces grant availability for training in safety and health programs for construction, silica in general industry, food processing, shipyards, logging, and outreach to workers. The notice describes the scope of the grant program and provides information about how to get detailed grant application instructions. Applications should not be submitted without the applicant first obtaining the detailed grant application instructions mentioned later in the notice.

Authority for this program may be found in section 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670).

**DATES:** Applications must be received by June 26, 1998.

**ADDRESSES:** Grant applications are to be submitted to the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

**FOR FURTHER INFORMATION CONTACT:** Ronald Mouw, Chief, Division of Training and Educational Programs, or Helen Beall, Training Specialist, OSHA Office of Training and Education, 1555

Times Drive, Des Plaines, Illinois 60018, telephone (847) 297-4810, e-mail helen.beall@oti.osha.gov.

**SUPPLEMENTARY INFORMATION:****What is the Purpose of the Program?**

Susan Harwood Training Grants provide funds to train workers and employers to recognize, avoid, and prevent safety and health hazards in their workplaces. The program emphasizes three areas.

- Educating workers and employers in small businesses. A small business has 250 or fewer workers.

- Training workers and employers about new OSHA standards.

- Training workers and employers about high risk activities or hazards identified by OSHA through the priority planning process or otherwise, or as part of an OSHA special emphasis program.

Grantees are expected to develop training and/or educational programs that address one of the topics named by OSHA (see below), recruit workers and employers for the training, and conduct the training. Grantees will also be expected to follow-up with people who have been trained to find out what, if any, changes were made to reduce hazards in their workplaces as a result of the training.

**What Are the Training Topics This Year?**

The purpose of this notice is to announce that funds are available for grants. Each grant application must address one of the following topic areas.

1. Construction. Applicants may address one of the following topics.

- Recognition and avoidance of lead and silica hazards in bridge repair and renovation.

- Safety and health hazards in highway construction with emphasis on preventing fatalities, particularly those caused by being struck by vehicles and equipment.

- Recognition and avoidance of electrical hazards in construction, particularly contact with overhead power lines. Projects will emphasize developing systems and procedures that will provide ongoing training programs for new employees after the grant has ended.

2. Silica in general industry. Recognition and avoidance of silica hazards in industries where sandblasting is a process, such as metal finishing, or where silica is part of the manufacturing process, such as cement.

3. Food processing. Safety and health hazards in red meat and/or poultry processing.

4. Shipyards. Safety and health hazards in shipbuilding, shipbreaking, or ship repair.

5. Logging. Logging safety focusing on the OSHA standard and safe work practices. Projects must include a statewide group involved in the logging industry, such as a state forestry association.

6. Outreach to workers. Training workers about their rights under the OSH Act, how these rights can be exercised and what protections workers have. Training is to include sections 8(f) and 11(c) of the OSH Act, employee discrimination complaints under 29 CFR Part 24 (environmental laws), and complaints under the Surface Transportation Assistance Act of 1982 (29 CFR 1978). Projects will reach out to workers to inform them of their rights. Preference will be given to those that develop programs which will continue disseminating information after the grant ends.

#### Who is Eligible To Apply for a Grant?

Any nonprofit organization that is not an agency of a State or local government is eligible to apply. However, State or local government supported institutions of higher education are eligible to apply in accordance with 29 CFR 97.4(a)(1).

Applicants other than State or local government supported institutions of higher education will be required to submit evidence of nonprofit status, preferably from the IRS.

#### What Can Grant Funds Be Spent On?

Grant funds can be spent on the following.

- Conducting training
- Conducting other activities that reach and inform workers and employers about occupational safety and health hazards and hazard abatement
- Developing educational materials for use in the training

#### Are There Restrictions on How Grant Funds Can Be Spent?

OSHA will not provide funding for the following activities.

1. Any activity that is inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.
2. Training involving workplaces that are not covered by the Occupational Safety and Health Act. Examples include state and local government workers in non-State Plan States and workers covered by section 4(b)(1) of the Act.
3. Production, publication, reproduction or use of training and educational materials, including

newsletters and instructional programs, that have not been reviewed by OSHA for technical accuracy.

4. Activities that address issues other than recognition, avoidance, and prevention of unsafe or unhealthy working conditions. Examples include workers' compensation, first aid, and publication of materials prejudicial to labor or management.

5. Activities that provide assistance to workers in arbitration cases or other actions against employers, or that provide assistance to employers and/or workers in the prosecution of claims against Federal, State or local governments.

6. Activities that directly duplicate services offered by OSHA, a State under an OSHA-approved State Plan, or consultation programs provided by State designated agencies under section 7(c)(1) of the Occupational Safety and Health Act.

7. Activities intended to generate membership in the grantee's organization. This includes activities to acquaint nonmembers with the benefits of membership, inclusion of membership appeals in materials produced with grant funds, and membership drives.

#### What Other Grant Requirements Are There?

1. OSHA review of educational materials. Educational materials produced by the grantee will be reviewed by OSHA for technical accuracy during development and before final publication. OSHA will also review curriculums and purchased training materials for accuracy before they are used.

When grant recipients produce training materials, they will provide copies of completed materials to OSHA before the end of the grant period. OSHA has a lending program that circulates grant-produced audiovisual materials. Grant recipients' audiovisual materials will be included in this lending program. In addition, all materials produced by grantees may be placed on the Internet by OSHA.

2. OMB and regulatory requirements. Grantees will be required to comply with the following documents.

- 29 CFR part 95, which covers grant requirements for nonprofit organizations, including universities and hospitals. These are the Department of Labor regulations implementing OMB Circular A-110.
- OMB Circular A-21, which describes allowable and unallowable costs for educational institutions.

• OMB Circular A-122, which describes allowable and unallowable costs for other nonprofit organizations.

• OMB Circular A-133, which provides information about audit requirements.

3. Certifications. All applicants will be required to certify to a drug-free workplace in accordance with 29 CFR part 98, to comply with the New Restrictions on Lobbying published at 29 CFR part 93, to make a certification regarding the debarment rules at 29 CFR part 98, and to complete a special lobbying certification.

4. Matching share. The program requires the grantee to provide a matching share. Grant recipients are to provide a minimum of 20% of the total grant budget. This match may be in-kind, rather than a cash contribution. For example, if the Federal share of the grant is \$80,000 (80% of the grant), then the matching share will be \$20,000 (20% of the grant), for a total grant of \$100,000. The matching share may exceed 20%.

#### How Are Applications Reviewed and Rated?

Grant applications will be reviewed by OSHA staff and the review results presented to the Assistant Secretary who will make the selection of organizations to be awarded grants.

Preference will be given to applications that plan to conduct train-the-trainer programs. Applicants are encouraged to include managers and/or supervisors in their training. In general, applications that propose to serve a single employer will not be selected, since OSHA is interested in reaching multiple employers with each grant awarded.

The following factors will be considered in evaluating grant applications.

##### 1. Program Design

a. The proposed training and education program addresses one of the following topics.

- i. Construction.
- ii. Silica in general industry.
- iii. Food processing.
- iv. Shipyards.
- v. Logging.
- vi. Outreach to workers.

b. The proposal plans to train workers and/or employers and clearly estimates the numbers to be trained.

c. The proposal contains a train-the-trainer program, and the numbers to be trained by these trainers are clearly estimated.

d. The planned activities are appropriate for the workers and/or employers to be trained.

e. There is a plan to recruit trainees for the program.

f. If the proposal includes developing educational materials, there is a plan for OSHA to review the materials during development.

g. There is a plan to evaluate the program's effectiveness and this includes plans to follow-up with trainees to see if the training resulted in workplace change.

h. The planned work can be accomplished in one year.

#### 2. Program Experience

a. The organization applying for the grant demonstrates experience with occupational safety and health.

b. The organization applying for the grant demonstrates experience training adults in work-related subjects.

c. The staff to be assigned to the project have experience in (1) occupational safety and health, (2) the specific topic chosen, and (3) training adults.

d. The organization applying for the grant demonstrates experience in recruiting and training the population it proposes to serve under the grant.

#### 3. Administrative Capability

a. The applicant organization demonstrates experience managing a variety of programs.

b. The applicant organization has administered, or will work with an organization that has administered, a number of different Federal and/or State grants over the past five years.

c. The application is complete, including forms, budget detail, narrative and workplan, and required attachments.

#### 4. Budget

a. The budgeted costs are reasonable.

b. The proposed non-Federal share is at least 20% of the total budget.

c. The budget complies with Federal cost principles (which can be found in applicable OMB Circulars) and with OSHA budget requirements contained in the grant application instructions.

d. The cost per trainee is less than \$500 and the cost per training hour is reasonable.

In addition to the factors listed above, the Assistant Secretary will take other items into consideration, such as the geographical distribution of the grant programs and the coverage of populations at risk.

#### How Much Money Is Available for Grants?

There is approximately \$2,000,000 available for this program. The average Federal award will be \$100,000.

#### How Long Are Grants Awarded For?

Grants are awarded for twelve-month periods. Grants may be renewed for additional twelve-month periods depending on whether there are funds available, there is still a need for the training, and the grantee has performed satisfactorily.

#### How Do I Get a Grant Application Package?

Grant application instructions may be obtained from the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018. The application instructions are also available at <http://www.osha-slc.gov/Training/sharwood/sharwood.html>.

#### When and Where are Applications To Be Sent?

The application deadline is 4:30 p.m. Central Time, June 26, 1998.

Applications are to be mailed to the Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, IL 60018. Applications will not be accepted by fax.

#### How Will I be Told if My Application Was Selected?

Organizations selected as grant recipients will be notified by a representative of the Assistant Secretary, usually from an OSHA Regional Office. An applicant whose proposal is not selected will be notified in writing.

Notice that an organization has been selected as a grant recipient does not constitute approval of the grant application as submitted. Before the actual grant award, OSHA will enter into negotiations concerning such items as program components, funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Signed at Washington, DC, this 5th day of May 1998.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

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#### NATIONAL INSTITUTE FOR LITERACY

(CFDA No. 84.257F)

#### NIFL Regional Technology HUB Project; Notice Inviting Applications for New Awards for Fiscal Year 1998

**AGENCY:** The National Institute for Literacy (NIFL).

**ACTION:** Notice.

**PURPOSE:** The purpose of these grants is to establish a second generation of regional hubs to extend the Literacy Information and Communication System (LINCS) infrastructure throughout the literacy community in each region. Each hub will form a consortium with all states in the region—"member states"—and, in cooperation with member states, a network of targeted local literacy programs. Each regional hub will be expected to build on the achievements of the region's previous hub and to build strong partnerships with other technology efforts in the region. In the process of enhancing the technological capacity of states and local programs, regional hubs will—

- Increase the literacy field's electronic knowledge base by collecting and exchanging new literacy information resources, especially locally developed materials, and creating in-depth collections on important literacy topics.

- Encourage the widespread use of the NIFL's systematic procedures and uniform standards for information collection and exchange.

- Provide innovative delivery of high quality, easy-to-access information resources to the adult education and literacy community through the use of variety of tools, including multi-media.

- Enable member states and local programs to be self-sufficient in their efforts to enhance the LINCS database and communication tools.

- Enhance communication and community-building by connecting increasingly larger numbers of literacy stakeholders of all kinds—researchers, practitioners, administrators, students, and policymakers—and closing the gap between information "haves" and "have nots."

- Integrate the use of technology into every aspect of learning and teaching in the adult education and literacy field.

*Deadline for Transmittal of Applications:* June 26, 1998.

*Eligible Applicants:* State, regional, and national organizations, or consortia of such organizations, in OVAE Region I.

*Available Funds:* This announcement envisions a two-year cooperative