

The transfer of machinery from a domestic plant to a Mexican or Canadian plant would not form a basis for a worker group certification under the NAFTA provisions of the Trade Act. The NAFTA provisions to the Trade Act specifically state that there must be a transfer of production from a domestic firm to a Mexican or Canadian plant to be eligible to apply for transitional adjustment assistance, not machinery associated with that or any other type of production.

Further, the Department has never considered in any of its investigations under the NAFTA provisions of the Trade Act that the transfer of machinery is tantamount to the transfer of production. Certification under the NAFTA provisions of the Trade Act is premised on increased imports of articles from Mexico or Canada that are like or directly competitive with those produced at the workers' firm or a shift in production to Mexico or Canada of articles that are like or directly competitive with those produced at the workers' firm. Accordingly a shift of machinery or other capital assets would not meet the shift in production criterion of the NAFTA Worker Group Eligibility Requirements.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, D.C., this 27th day of January 1995.

**Victor J. Trunzo,**

*Program Director, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

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#### **Job Training Partnership Act: Native American Programs; Proposed Total Allocations and Allocation Formulas for Program Year 1995 Regular Program and Calendar Year 1995 Summer Youth Employment and Training Program**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The ETA of the Department of Labor (DOL) is publishing the proposed Native American allocations, distribution formulas and rationale, and individual grantee planning estimates for Program Year (PY) 1995 (July 1, 1995-June 30, 1996) for regular programs funded under Title IV-A of the Job Training Partnership Act (JTPA), and for Calendar Year (CY) 1995 for Summer Youth Employment and Training Programs (SYETP) funded under Title II-B of the JTPA.

**DATES:** Written comments on this proposal are invited and must be received on or before March 13, 1995.

**ADDRESSES:** Send written comments to: Mr. Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, room N-4641, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas M. Dowd, Phone: 202-219-8502 (this is not a toll free number).

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 162 of the JTPA, ETA of the DOL publishes below for review and comment the proposed allocations and distribution formulas for areas to be served by Native American grantees to be funded under JTPA Section 401, and JTPA Title II, Part B. The amounts to be distributed are \$64,080,040 for the JTPA Section 401 programs for PY 1995 (July 1, 1995-June 30, 1996); and \$15,768,370 for the JTPA Title II, Part B, SYETP for the Summer of CY 1995. The planning

estimates reflect the existing grantees and their currently assigned areas, and are subject to change for such reasons as Administrative Law Judge decisions, the possibility that a grantee will want to have its designation withdrawn, and legislative changes.

The formula for allocating JTPA Section 401 funds provides that 25 percent of the funding will be based on the number of unemployed Native Americans in the grantee's area, and 75 percent will be based on the number of poverty-level Native Americans in the grantee's area.

The formula for allocating SYETP funds divides the funds among eligible recipients based on the proportion that the number of Native American youths in a recipient's area bears to the total number of Native American youths in all eligible recipients' areas.

The rationale for the above formulas is that the number of poverty-level persons, unemployed persons, and youths among the Native American population is indicative of the need for training and employment funds.

Statistics on youths, unemployed persons, and poverty-level persons among Native Americans used in the above programs are derived from the Decennial Census of the Population, 1990.

Signed at Washington, D.C., this 6th day of February 1995.

**Douglas Ross,**

*Assistant Secretary of Labor.*

**U.S. Department of Labor—  
Employment and Training  
Administration, PY 1995 Title IV-A  
and CY 1995 Title II-B (Summer 1995)  
Planning Estimates for Native  
American Grantees, (Date)**

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