

By order of the Commission.

Issued: October 25, 2012.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

On October 23, 2012, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Hawaii in the lawsuit entitled *United States v. County of Maui, Hawaii*, Civil Action No. CV 12 00571 LEK RLP.

In this action, the United States filed a complaint under the Clean Air Act alleging violations at the Central Maui Municipal Solid Waste Landfill located on the island of Maui in Hawaii. The consent decree requires the County to implement injunctive relief including conducting enhanced gas monitoring, complying with interim wellhead temperature limits and implementing fire response procedures. The consent decree also requires the County to pay a civil penalty of \$380,000 and to perform a Supplemental Environmental Project (“the SEP”). The SEP requires the County to install and operate at least eight wind turbines at the Landfill property.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. County of Maui, Hawaii*, D.J. Ref. No. 90-5-2-1-09360. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC. 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the consent decree upon

written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$14.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Henry Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2012-26551 Filed 10-29-12; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[OMB Number 1117-0034]

**Agency Information Collection Activities: Proposed Collection; Comments Requested:**

Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local Government) Crime Laboratories

**ACTION:** 60-Day notice of information collection under review.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until December 31, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Gallagher, Chief, Liaison and Policy Section, Drug Enforcement Administration, Office of Diversion Control, 8701 Morrisette Drive, Springfield, VA 22152.

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

—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;

—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;

—Enhance the quality, utility, and clarity of the information to be collected; and

—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:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local Government) Crime Laboratories.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:*

*Form Number:* none.  
Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* State, Local or Tribal Government.

*Other:* None.

*Abstract:* Information is needed from state and local laboratories to provide DEA with additional analyzed drug information for the National Forensic Laboratory Information System.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that there are one hundred forty (140) total respondents for this information collection. One hundred thirty-four (134) respond monthly at .13 hour (8 minutes) for each response and six (6) respond quarterly at .13 hour (8 minutes) for each response, for a total number of 1632 responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 218 annual burden hours associated with this collection.

*If additional information is required contact:* Jerri Murray, Department

Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Suite 3W-1407B, Washington, DC 20530.

Dated: October 25, 2012.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Agency Information Collection Activities; Submissions for OMB Review; Comment Request; H-2A Foreign Labor Certification Program; Labor Certification Letter for H-2A Agricultural Foreign Workers, H-2B Foreign Labor Certification Program; and Application for Prevailing Wage Determination**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting four related Employment and Training Administration (ETA) sponsored information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). The ICR titles are H-2A Foreign Labor Certification Program, Labor Certification Letter for H-2A Agricultural Foreign Workers, H-2B Foreign Labor Certification Program, and Application for Prevailing Wage Determination.

**DATES:** Submit comments on or before November 29, 2012.

**ADDRESSES:** A copy of these ICRs with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, on the day following publication of this notice or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about these requests to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202-395-6881 (this is not a

toll-free number), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** The Immigration and Nationality Act (INA) requires the Secretary of Labor to certify, among other things, that any foreign worker seeking to enter the United States (U.S.) to perform certain skilled or unskilled labor will not, by doing so, adversely affect wages and working conditions of U.S. workers similarly employed. The Secretary must also certify that there are not sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor. Before any employer may petition for any temporary skilled or unskilled foreign workers, it must submit a request for certification to the Secretary containing the elements prescribed by the INA and regulations. *See* 8 U.S.C. 1011(a)(15)(H)(ii)(a), 1011(a)(15)(H)(ii)(b), 1184(c), and 1188 and 8 CFR 214.2(h).

The DOL currently obtains OMB approval for the subject information collections under Control Numbers 1205-0466, Foreign Labor Certification Instruments, and 1205-0404, Labor Certification Letter for H-2A Agricultural Foreign Workers. In order to improve internal administration of the information collection requirements, the DOL is taking this opportunity to rename OMB Control Number 1205-0466 and to separate out the three different sets of information collection requirements under three unique Control Numbers. While the Department believes it must now submit the information collections approved under Control Number 1205-0404 and 1205-0466 as separate ICRs, in order to maintain OMB clearance for the existing requirements, the DOL intends to merge the ICRs via a non-material change request to the 1205-0466 ICR. Such a request would be made upon receiving OMB approval of the current actions and would not change the information collection requirements in any way; the DOL would simultaneously seek to discontinue Control Number 1205-0404.

The first of current actions being submitted for OMB approval is revised Control Number 1205-0466 that will contain Form ETA-9142A, *H-2A Application for Temporary Employment Certification and Appendix A*; and most regulatory information collection requirements applicable to the H-2A

program. The H-2A program enables employers to bring nonimmigrant foreign workers to the U.S. to perform agricultural work of a temporary or seasonal nature as defined in 8 U.S.C. 1101(a)(15)(H)(ii)(a). Information obtained on Form ETA-9142A provides the basis for the Secretary's determination whether no U.S. workers are available. Form ETA-9142A, collects information to permit the Department to meet its statutory responsibilities for administering the H-2A temporary labor certification program.

The second current ICR being submitted for OMB approval is Control Number 1205-0404, which specifically has to do with the notification requirements of the 50 percent rule in the H-2A program and is being submitted without changes. Regulations 20 CFR 655.135(d) stipulates that an employer must continue to provide employment to any qualified and eligible U.S. worker who applies to the employer until 50 percent of the work contract period, under which the foreign worker is in the job, has elapsed. The notification required under the regulations at 20 CFR 655.135(c) is written by the employer and sent to the applicable State Workforce Agency (SWA), if the foreign worker begins traveling to the employer's place of work any time after the three days prior to the first date of need specified in the work contract. The SWA uses the information to calculate the end of the 50 percent rule referral requirements. The regulations also specify other notifications the employer must make (e.g., remind the worker of the requirement to leave the U.S. at the end of the certified period for work or upon separation from the employer, unless the worker is being sponsored by a subsequent employer; and informing the DOL of H-2A workers who have abandoned their jobs or been terminated). The ETA uses Form ETA-9144 to inform employers of these obligations.

The first new ICR the DOL is currently submitting has been issued ICR Reference Number 201210-1205-001, H-2B Foreign Labor Certification Program. This new ICR will contain forms and most regulatory information collection requirements applicable to the H-2B program. Specifically, it will contain Form ETA 9142B, *H-2B Application for Temporary Employment Certification and Appendix B*.

The second new ICR the DOL is submitting has been assigned ICR Reference Number 201210-1205-002, Application for Prevailing Wage Determination, will contain Form ETA-