

District Court for the Eastern District of Pennsylvania in the lawsuit entitled *United States v. Tank Car Corporation of America*, Civil Action No. 2:16-cv-05031-TON.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). The United States’ complaint seeks recovery of costs incurred and to be incurred by the Environmental Protection Agency in connection with the removal of hazardous substances at the Tank Car Corporation of America Site, a former railroad and tank car rehabilitation facility in Oreland, Montgomery County, Pennsylvania. The consent decree requires Tank Car Corporation of America to assign its rights to proceeds under its insurance policies to the United States. In return, the United States agrees not to sue Tank Car Corporation of America under sections 106 and 107 of CERCLA.

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. Tank Car Corporation of America*, D.J. Ref. No. 90–11–3–11173. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
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: <https://www.justice.gov/enrd/consent-decrees>. 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 \$8.50 (25 cents per page

reproduction cost) payable to the United States Treasury.

**Robert Brook,**

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

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**BILLING CODE 4410–15–P**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Labor Surplus Area Classification Under Executive Orders 12073 and 10582**

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

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce the annual list of labor surplus areas for Fiscal Year (FY) 2017.

**DATES:** The annual list of labor surplus areas is effective October 1, 2016, for all states, the District of Columbia, and Puerto Rico.

**FOR FURTHER INFORMATION CONTACT:** Samuel Wright, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue NW., Room C–4514, Washington, DC 20210. Telephone: (202) 693–2870 (This is not a toll-free number) or email [wright.samuel.e@dol.gov](mailto:wright.samuel.e@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Department of Labor’s regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subpart A. These regulations require the Employment and Training Administration (ETA) to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations, and to publish annually a list of labor surplus areas. Pursuant to those regulations, ETA is hereby publishing the annual list of labor surplus areas. In addition, the regulations provide exceptional circumstance criteria for classifying labor surplus areas when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

**Eligible Labor Surplus Areas**

A Labor Surplus Area (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20

percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period. ETA uses only official unemployment estimates provided by the Bureau of Labor Statistics in making these classifications. The average unemployment rate for all states includes data for the Commonwealth of Puerto Rico. LSA classification criteria stipulate a civil jurisdiction must have a “floor unemployment rate” of 6.0% or higher to be classified a LSA. Any civil jurisdiction that has a “ceiling unemployment rate” of 10% or higher is classified a LSA.

Civil jurisdictions are defined as follows:

1. A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or

2. A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or

3. All counties, except for the following:

(a) Those counties which contain any type of civil jurisdictions defined in “1” or “2” above,

(b) a county in the States of Connecticut, Massachusetts, and Rhode Island; or

4. A “balance of county” consisting of a county less any component cities and townships identified in “1” or “2” above; or

5. A county equivalent which is a town in the States of Connecticut, Massachusetts, and Rhode Island, or a municipio in the Commonwealth of Puerto Rico.

**Procedures for Classifying Labor Surplus Areas**

The Department of Labor (DOL) issues the LSA list on a fiscal year basis. The list becomes effective each October 1, and remains in effect through the following September 30. The reference period used in preparing the current list was January 2014 through December 2015. The national average unemployment rate (including Puerto Rico) during this period was rounded to 5.77 percent. Twenty percent higher than the national unemployment rate during this period is 6.93 percent. Therefore, areas included on the FY 2017 LSA list had a rounded unemployment rate for the reference period of 6.93 percent or higher. To ensure that all areas classified as labor surplus meet the requirements, when a city is part of a county and meets the unemployment qualifier as a LSA, that

city is identified in the LSA list, the balance of county, not the entire county, will be identified as a LSA if the balance of county also meets the LSA unemployment criteria. The FY 2017 LSA list, statistical data on the current and some previous year's LSAs, and the list of LSAs in Puerto Rico are available at ETA's LSA Web site <http://www.doleta.gov/programs/lisa.cfm>.

### Petition for Exceptional Circumstance Consideration

The classification procedures also provide criteria for the designation of LSAs under exceptional circumstances criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the 2-year reference period. Under the program's exceptional circumstance procedures, LSA classifications can be made for civil jurisdictions, Metropolitan Statistical Areas or Combined Statistical Areas, as defined by the U.S. Office of Management and Budget. In order for an area to be classified as a LSA under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the Department of Labor's ETA. The current criteria for an exceptional circumstance classification are,

(1) An area's unemployment rate is at least 6.93 percent for each of the three most recent months;

(2) a projected unemployment rate of at least 6.93 percent for each of the next 12 months; and

(3) documentation that the exceptional circumstance event has occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, Metropolitan Statistical Areas, or Micropolitan Statistical Areas.

The addresses of state workforce agencies are available on the ETA Web site at: <http://www.doleta.gov/programs/lisa.cfm>. State Workforce Agencies may submit petitions in electronic format to [wright.samuel.e@dol.gov](mailto:wright.samuel.e@dol.gov), or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW., Room C-4514, Washington, DC 20210, Attention Samuel Wright. Data collection for the petition is approved

under OMB 1205-0207, expiration date March 31, 2018.

**Portia Wu,**

*Assistant Secretary for Employment and Training Administration.*

[FR Doc. 2016-23462 Filed 9-28-16; 8:45 am]

**BILLING CODE 4510-FT-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2006-0040]

#### SGS North America, Inc.: Grant of Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces its final decision to expand the scope of recognition for SGS North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on September 29, 2016.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3647, Washington, DC 20210; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3655, Washington, DC 20210; telephone: (202) 693-2110; email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov). OSHA's Web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpca/nrtl/index.html>).

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of SGS North America, Inc. (SGS), as an NRTL. SGS's expansion covers the addition of three (3) recognized testing and certification sites and thirty-nine (39) recognized testing standards to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the

requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

SGS submitted four applications, two dated September 24, 2014 (OSHA-2006-0040-0025), and two dated October 1, 2014 (OSHA-2006-0040-0026 and OSHA-2006-0040-0028), to expand its recognition to include the addition of three recognized testing and certification sites located at: SGS Tecnos S.A., C/. Trespaderna 29, Edificio Barajas 1, 28042 Madrid—Spain; SGS Fimko, Ltd., Sarkiniementie 3, FI-00210 Helsinki, Finland; and SGS Baseefa Limited, Rockhead Business Park, Staden Lane, Buxton SK17 9RZ, United Kingdom. Amendments to the October 1, 2014, applications were received on January 14, 2015 (OSHA-2006-0040-0027), and June 16, 2016 (OSHA-2006-0040-0029). These applications additionally requested the addition of forty-nine (49) additional test standards to SGS's scope of recognition, in addition to the three testing and certification sites. OSHA staff performed a detailed analysis of the application and other pertinent information. OSHA staff also performed on-site reviews of SGS's testing and certification facilities on August 5, 2015, at SGS Madrid; on August 13, 2015, at SGS Baseefa; and on August 17, 2015, at SGS Fimko and recommended expansion of SGS's recognition to include these three (3) testing sites and 39 of the 49 requested test standards.