

Department of Environmental Protection ("Pennsylvania DEP") officials in the processing of S.H. Bell's filed applications for appropriate source permits at its East Liverpool facility; (4) certify that it does not currently process nonmetallic minerals at its East Liverpool facility, and in the event that it resumes processing such nonmetallic minerals, comply with applicable provisions of NSPS; and (5) implement two Supplemental Environmental Projects valued at \$386,592, consisting of a Truck Loadout Shed and Road Paving Projects at its East Liverpool facility.

The Department of Justice previously provided notice that it would receive comments relating to the Consent Decree for a period of 30 days from the original publication of notice of lodging in the **Federal Register**. That comment period would have ended on February 24, 2008. A private citizen group requested an extension of time to submit comments on the Consent Decree. The Department of Justice, in consultation with EPA, determined that the extension is appropriate and that the public comment period should be extended for a period of two weeks. Therefore, the United States Department of Justice will accept comments on the proposed Consent Decree through March 10, 2008.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to United States Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. S.H. Bell Co.*, Civil No. 4:08-cv-96 (N.D. Ohio), and DOJ Reference No. 90-5-2-1-07823.

The proposed Consent Decree may be examined at: (1) The Office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, OH, 44113 (216-622-3600); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Blvd., Chicago, IL 60604-3507 (contact: John C. Matson (312-886-2243)).

During the public comment period, the proposed Consent Decree may also be examined on the following U.S. Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no.

(202) 514-0097, phone confirmation no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$10.00 for the Consent Decree only (40 pages, at 25 cents per page reproduction costs), or \$19.25 for the Consent Decree and Appendix A (77 pages), made payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**William D. Brighton,**

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

[FR Doc. E8-3543 Filed 2-25-08; 8:45 am]

BILLING CODE 4410-15-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### **Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States: 2008 Adverse Effect Wage Rates, Allowable Charges for Agricultural and Logging Workers' Meals, and Maximum Travel Subsistence Reimbursement**

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

**ACTION:** Notice of Adverse Effect Wage Rates, allowable charges for meals, and maximum travel subsistence reimbursement for 2008.

**SUMMARY:** The Employment and Training Administration (ETA) of the Department of Labor (Department or DOL) is issuing this Notice to announce: The 2008 Adverse Effect Wage Rates (AEWRs) for employers seeking to employ temporary or seasonal nonimmigrant foreign workers to perform agricultural labor or services (H-2A workers) or logging (H-2B logging workers); the allowable charges for 2008 that employers seeking H-2A workers and H-2B logging workers may levy upon their workers when three meals a day are provided by the employer; and the maximum travel subsistence reimbursement which a worker with receipts may claim in 2008.

AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers of H-2A workers or H-2B logging workers to U.S. and foreign workers for a particular occupation and/or area so that the wages of similarly employed U.S. workers will not be adversely affected (20 CFR 655.100(b) and 655.200(b)). In

this Notice the Department announces the AEWRs for 2008. The Department also announces the new rates for 2008 which agricultural and logging employers may charge their workers for three daily meals, and the minimum and maximum charge of travel subsistence expenses a worker may claim in 2008.

**EFFECTIVE DATE:** February 26, 2008.

#### **FOR FURTHER INFORMATION CONTACT:**

William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Room C-4312, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The U.S. Citizenship and Immigration Services of the Department of Homeland Security may not approve an employer's petition for the admission of H-2A nonimmigrant temporary agricultural workers or H-2B nonimmigrant temporary logging workers in the United States unless the petitioner has received from DOL an H-2A or H-2B labor certification, as appropriate. Approved labor certifications attest: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed (8 U.S.C. 1101(a)(15)(H)(ii)(a), 1101(a)(15)(H)(ii)(b), 1184(c), and 1188(a); 8 CFR 214.2(h)(5) and (6)).

DOL's regulations for the H-2A and H-2B logging programs require employers to offer and pay their U.S., H-2A, and H-2B logging workers no less than the appropriate hourly AEWR in effect at the time the work is performed (20 CFR 655.102(b)(9) and 655.202(b)(9); see also 20 CFR 655.107, 20 CFR 655.207<sup>1</sup>).

#### **A. Adverse Effect Wage Rates for 2008**

AEWRs are the minimum wage rates which must be offered and paid to U.S. and foreign workers by employers of H-2A workers or H-2B logging workers (20 CFR 655.100(b) and 20 CFR 655.200(b)). Employers of H-2A workers must pay the highest of (i) the AEWR, in effect, at the time the work is performed; (ii) the

<sup>1</sup> For additional information regarding the AEWR, see the preamble of the Final Rule, 54 FR 28037-28047 (July 5, 1989), which explained in depth the purpose and history of AEWR, DOL's policy in setting the AEWR, and the AEWR computation methodology at 20 CFR 655.107(a). See also 52 FR 20496, 20502-20505 (June 1, 1987).

applicable prevailing wage; or (iii) the statutory minimum wage, as specified in the regulations (20 CFR 655.102(b)(9)).

As U.S. Department of Agriculture (USDA) regional surveys are not available for logging occupations, employers of H-2B logging workers must pay at least the prevailing wage in the area of intended employment, which is deemed to be the AEW (20 CFR 655.202(b)(9); 20 CFR 655.207(a)).

Except as otherwise provided in 20 CFR part 655, subpart B, the region-wide AEW for all agricultural employment (except those occupations deemed inappropriate under the special circumstance provisions of 20 CFR 655.93) for which temporary H-2A certification is being sought is equal to the annual weighted average hourly wage rate for field and livestock workers (combined) for the region as published annually by the USDA (20 CFR 655.107(a)). USDA does not provide data on Alaska.

20 CFR 655.107(a) requires the Administrator of the Office of Foreign Labor Certification to publish USDA field and livestock worker (combined) wage data as AEWs in a **Federal Register** Notice. Accordingly, the 2008 AEWs for agricultural work performed by U.S. and H-2A workers on or after the effective date of this Notice are set forth in the table below:

TABLE—2008 ADVERSE EFFECT WAGE RATES

State	2008 AEWs
Alabama .....	\$8.53
Arizona .....	8.70
Arkansas .....	8.41
California .....	9.72
Colorado .....	9.42
Connecticut .....	9.70
Delaware .....	9.70
Florida .....	8.82
Georgia .....	8.53
Hawaii .....	10.86
Idaho .....	8.74
Illinois .....	9.90
Indiana .....	9.90
Iowa .....	10.44
Kansas .....	9.90
Kentucky .....	9.13
Louisiana .....	8.41
Maine .....	9.70
Maryland .....	9.70
Massachusetts .....	9.70
Michigan .....	10.01
Minnesota .....	10.01
Mississippi .....	8.41
Missouri .....	10.44
Montana .....	8.74
Nebraska .....	9.90
Nevada .....	9.42
New Hampshire .....	9.70
New Jersey .....	9.70
New Mexico .....	8.70

TABLE—2008 ADVERSE EFFECT WAGE RATES—Continued

State	2008 AEWs
New York .....	9.70
North Carolina .....	8.85
North Dakota .....	9.90
Ohio .....	9.90
Oklahoma .....	9.02
Oregon .....	9.94
Pennsylvania .....	9.70
Rhode Island .....	9.70
South Carolina .....	8.53
South Dakota .....	9.90
Tennessee .....	9.13
Texas .....	9.02
Utah .....	9.42
Vermont .....	9.70
Virginia .....	8.85
Washington .....	9.94
West Virginia .....	9.13
Wisconsin .....	10.01
Wyoming .....	8.74

For all logging employment, the AEW shall be the prevailing wage rate in the area of intended employment, and the employer is required to pay at least that rate (20 CFR 655.207(a)).

#### B. Allowable Meal Charges

Among the minimum benefits and working conditions which DOL requires employers to offer their U.S., H-2A, and H-2B logging workers are three meals a day or free and convenient cooking and kitchen facilities (20 CFR 655.102(b)(4); 655.202(b)(4)). When the employer provides meals, the job offer must state the charge, if any, to the worker for meals.

DOL has published at 20 CFR 655.102(b)(4) and 655.111(a) the methodology for determining the maximum amounts that H-2A agricultural employers may charge their U.S. and foreign workers for meals. The same methodology is applied at 20 CFR 655.202(b)(4) and 655.211(a) to H-2B logging employers. These rules provide for annual adjustments of the previous year's allowable charges based upon Consumer Price Index (CPI) data.

Each year, the maximum charges allowed by 20 CFR 655.102(b)(4) and 655.202(b)(4) are adjusted by the same percentage as the twelve-month percent change in the CPI for all Urban Consumers for Food (CPI-U for Food). ETA may permit an employer to charge workers no more than the higher maximum amount set forth in 20 CFR 655.111(a) and 655.211(a), as applicable, for providing them with three meals a day, if justified and sufficiently documented. Each year, the higher maximum amounts permitted by 20 CFR 655.111(a) and 655.211(a) are changed by the same percentage as the twelve-

month percent change in the CPI-U for Food. The program's regulations require DOL to make the annual adjustments and to publish a Notice in the **Federal Register** each calendar year, announcing annual adjustments in allowable charges that may be made by agricultural and logging employers for providing three meals daily to their U.S. and foreign workers. The 2007 rates were published in the **Federal Register** at 72 FR 7909 (February 21, 2007).

DOL has determined the percentage change between December of 2006 and December of 2007 for the CPI-U for Food was 4.0 percent. Accordingly, the maximum allowable charges under 20 CFR 655.102(b)(4), 655.202(b)(4), 655.111, and 655.211 were adjusted using this percentage change, and the new permissible charges for 2008, are as follows: (1) Charges under 20 CFR 655.102(b)(4) and 655.202(b)(4) shall be no more than \$9.90 per day, unless ETA has approved a higher charge pursuant to 20 CFR 655.111 or 655.211; (2) charges under 20 CFR 655.111 and 655.211 shall be no more than \$12.27 per day, if the employer justifies the charge and submits to ETA the documentation required to support the higher charge.

#### C. Maximum Travel Subsistence Expense

The regulations at 20 CFR 655.102(b)(5) establish that the minimum daily travel subsistence expense, for which a worker is entitled to reimbursement, is equivalent to the employer's daily charge for three meals or, if the employer makes no charge, the amount permitted under 20 CFR 655.102(b)(4). The regulation is silent about the maximum amount to which a qualifying worker is entitled.

The Department established the maximum meals component of the standard Continental United States (CONUS) per diem rate established by the General Services Administration (GSA) and published at 41 CFR part 301, Appendix A. The CONUS meal component is now \$39.00 per day.

Workers who qualify for travel reimbursement are entitled to reimbursement up to the CONUS meal rate for related subsistence when they provide receipts. In determining the appropriate amount of subsistence reimbursement, the employer may use the GSA system under which a traveler qualifies for meal expense reimbursement per quarter of a day. Thus, a worker whose travel occurred during two quarters of a day is entitled, with receipts, to a maximum reimbursement of \$19.50. If a worker has no receipts, the employer is not

obligated to reimburse above the minimum stated at 20 CFR 655.102(b)(4) as specified above.

Signed in Washington, DC, this 20th day of February, 2008.

**Douglas F. Small,**

*Deputy Assistant Secretary, Employment and Training Administration.*

[FR Doc. E8-3567 Filed 2-25-08; 8:45 am]

**BILLING CODE 4510-FP-P**

## **LIBRARY OF CONGRESS**

### **Copyright Office**

[Docket No. 2008-2]

### **Review of Copyright Royalty Judges Determination**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice; correction.

**SUMMARY:** The Register of Copyrights published a document in the **Federal Register** of February 19, 2008, reviewing the determinations of the Copyright Royalty Judges for setting rates and terms for use of the sections 112 and 114 statutory licenses by New Subscription Services, Preexisting Subscription Services and Preexisting Satellite Digital Audio Radio Services.

**FOR FURTHER INFORMATION CONTACT:** Tanya Sandros, General Counsel, Copyright Office. Telephone (202) 707-8380.

### **CORRECTION**

In the **Federal Register** of February 19, 2008, in Docket No. 2008-2, correct the following citations to read:

On page 9144 in the second column, third paragraph, line five, "71 FR 1455".

On page 9144 in the third column, first paragraph, last line, "72 FR 71795".

On page 9145 in the third column, sixth line from the top, "72 FR 61586".

Dated: February 20, 2008

**Tanya Sandros,**  
*General Counsel.*

[FR Doc. E8-3619 Filed 2-25-08; 8:45 am]

**BILLING CODE 1410-30-S**

## **MILLENNIUM CHALLENGE CORPORATION**

[MCC FR 08-01]

### **Agency Information Collection Request; Comment Request**

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** 60 Day Notice.

**SUMMARY:** The Millennium Challenge Corporation, in accordance with the

Paperwork Reduction Act of 1995, invites public comment on a proposed information collection request. Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes on collection of information which the Millennium Challenge Corporation intends to seek OMB approval.

**DATES:** Please submit comments by April 22, 2008.

**ADDRESSES:** To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced below, e-mail your request, including your address, phone number, OMB number to [Kellytj@mcc.gov](mailto:Kellytj@mcc.gov), or call Thomas Kelly at (202) 521-3600. Written comments and recommendations for the proposed information collection must be received within 60 days of this notice, and directed to Thomas Kelly, Director, Economic Policy at the following address: Millennium Challenge Corporation; 875 15th Street, NW.; Washington, DC 20005.

**SUPPLEMENTARY INFORMATION:** In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, as amended, the Millennium Challenge Corporation (MCC) is publishing the following summary of a proposed information collection for public comment. Interested persons are invited to send comments on: (i) The necessity and utility of the proposed collection of information for the proper performance of the agency's functions; (ii) the accuracy of the estimated burden; (iii) the quality, utility and clarity of the information to be collected; and (iv) the burden of the collection of information on those who are to respond, including various technological collection techniques or other forms of information technology to minimize the information collection burden.

**Proposed Project:** A survey of international development organizations to assist in measuring MCC's leadership role in development practice. This survey, conducted by an independent organization, will become a part of MCC's data measuring its performance under the provisions of the Government Performance Results Act of 1993. It will seek to measure how MCC is affecting

change in the manner development assistance is administered by other organizations providing similar assistance.

### **Abstract:**

**Type of Information Collection Request:** New Request.

**Title of Information Collection:** Leadership in Development Assistance Survey.

**Use:** The Millennium Challenge Act of 2003 (Pub. L. 108-199) established the Millennium Challenge Corporation (MCC) to reduce poverty through sustainable economic growth to poor countries demonstrating through their policy performance their commitment to good governance. One of MCC's strategic goals, as stated in its strategic plan developed pursuant to GPRA, is to "advance the international development practice." This survey will gather information regarding how MCC's unique model of assistance is impacting the development assistance community. In particular, it will measure whether other organizations recognize the distinguishing characteristics of MCC's approach to providing foreign assistance, whether they believe that MCC's approach represents best practice, and whether they are modifying their own assistance programs to include elements of MCC's approach. The survey will be conducted by phone to organizations and individuals selected by MCC. Data gathered by the independent survey will be provided to MCC for the purpose of assessing its performance with respect to the above-stated goal.

**Frequency:** Biannual.

**Affected Public:** International donors, foundations, Think Tanks, Academicians.

**Biannual Number of Respondents:** 300.

**Total Biannual Responses:** 300.

**Average Burden per Response:** 10 minutes.

**Total Biannual Hours:** 50 hours.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number to [Kellytj@mcc.gov](mailto:Kellytj@mcc.gov), or call Thomas Kelly, Director, Economic Policy at (202) 521-3600. Written comments and recommendations for the proposed information collection must be received within 60 days of this notice, and directed to Thomas Kelly, Director, Economic Policy at the following address: Millennium Challenge Corporation; Policy and International Relations; 875 15th Street, NW.; Washington, DC 20005.