

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 7, 1997. The Department of Labor is particularly interested in comments which:

- 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 agency's 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 submissions of responses.

ADDRESSES: James Norris, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Room N-4470, 200 Constitution Avenue NW., Washington, DC 20210-0001, 202-219-5263, X-162 (this is not a toll-free number), fax: 202-208-5844.

SUPPLEMENTARY INFORMATION:

Background

The Wagner-Peyser Act, as amended, provides that the U.S. Employment Service shall assist in coordinating the State public employment services throughout the country and in promoting uniformity in their administrative and statistical procedures, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system and maintaining a system for clearing labor between the States.

Pursuant to the Wagner Peyser Act, the U.S. Department of Labor has established regulations at 20 CFR 653.500 covering the processing of agricultural intrastate and interstate job orders. Section 653.501 provides that wages offered by employers must not be less than the prevailing wages * * * or the applicable Federal or State minimum wage, whichever is higher. Also regulations for the temporary employment of alien agricultural and logging workers in the United States, 20 CFR, Part 655, Subparts B and C, the H-2A program, under the Immigration Reform and Control Act of 1986, require farmers and other agricultural employers to pay workers the adverse effect wage rate, the prevailing wage rate, or the legal Federal or State minimum wage rate, whichever is highest.

The prevailing wage rate is used to implement these regulations covering

intrastate and interstate recruitment of farmworkers. The vehicle for establishing the prevailing wage rate is Form ETA-232, *The Domestic Agricultural In-Season Wage Report*, and Form ETA-232A, *Wage Survey Interview Record*. The ETA-232 report contains the prevailing wage finding based on survey data collected from employers and reported by the State on the ETA-232A.

II. Current Actions: Activity covered by regulations at 20 CFR 653.500 and 20 CFR 655 (B)(C), particularly the H-2A program, continues to expand, further increasing the need for accurate and timely wage information on which to base prevailing agricultural wage determinations. There is no similar wage information which is available or can be used for these determinations which apply to a specific crop or livestock activity, in a specific agricultural wage reporting area for a specific period of time during the peak harvest season.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Domestic Agricultural In-Season Wage Report, ETA-232 and Wage Survey Interview Record, ETA-232A.

OMB Number: 1205-0017.

Agency Numbers: ETA-232 and ETA-232A.

Affected Public: Business and State Government.

Total Respondents: 39,375.

Frequency: Annually.

Cite/ reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden (hours)
ETA-232	600	Annually	600	11 hours	6,600
ETA-232A	38,775	Annually	38,775	1/4 hour	9,694
Totals			39,375		16,294

Total Burden Cost (capital/startup): 0.
*Total Burden Cost (operating/
maintaining):*

Business: The salary range of representatives of business respondents (employees of small family owned farms up through large agribusiness firms) could be from the minimum wage to several hundred thousand dollars of a CEO. Therefore, the hourly salaries of individuals participating in the wage survey can range from about \$4.75 to \$300.00 or more per hour.

State Government: Average cost to the State agencies conducting the agricultural wage surveys range from \$1,500.00 to \$6,000.00 per survey, depending upon the complexity of the crop or livestock activity to be surveyed,

including considerations such as size of employer and worker universes, and geographic expanse of wage reporting areas.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 4, 1997.

James Norris,

Chief, Division of Foreign Labor
Certifications, U.S. Employment Service,
Employment and Training Administration.
[FR Doc. 97-21026 Filed 8-7-97; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models

AGENCY: Employment and Training
Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95), 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension to the collection of information on the Labor Condition Application for H-1B nonimmigrants. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 7, 1997.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed information collection 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 agency's 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 collections techniques or other forms of information, *e.g.*, permitting electronic submissions of responses.

ADDRESSES: Comments and questions regarding the collection of information on Form ETA 9035, Labor Condition Application for H-1B Nonimmigrants, should be directed to James Norris, Chief, Division of Foreign Labor Certifications, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-4456, Washington, DC 20210 ((202)

219-5263 (this is not a toll-free number)).

SUPPLEMENTARY INFORMATION:

I. Background

The Immigration and Naturalization Act (INA) requires that before any alien may be admitted or otherwise provided status as an H-1B nonimmigrant, the prospective employer must have filed with the Department a labor condition application stating that they will offer prevailing wages and working conditions, that there is not a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment, and that they have provided notice of such filing to the bargaining representative or, if there is none, by posting notice of filing in conspicuous locations at the place of employment. Further, the employer must make certain documentation available for public examination. Complaints may be filed with the Department alleging a violation of the labor condition application process. If reasonable cause is found to believe a violation has been committed, the Department will conduct an investigation and, if appropriate, assess penalties. The INA places a limit of 65,000 per year on the number of aliens who can be admitted to the U.S. on H-1B visas and further limits these workers to a maximum of six years duration of stay under H-1B status.

The INA requires that the Department make available for public examination in Washington, DC, a list of employers which have filed labor conditions applications.

II. Current Actions

In order for the Department to meet its statutory responsibilities under the INA there is a need for an extension of an existing collection of information pertaining to employers' seeking to use H-1B nonimmigrants in specialty occupations or as fashion models of distinguished merit and ability. There is an increase in burden due to a sustained increase in the number of labor condition applications filed by employers each year.

Type Of Review: Extension of a currently approved collection without change.

Agency: Employment and Training Administration, Labor.

Title: Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models.

OMB Number: 1205-0310.

Affected Public: Businesses or other for-profit, not-for-profit institutions;

Federal government; State, Local or Tribal government.

Form: Form ETA 9035.

Total Respondents: 200,000.

Frequency of Response: On occasion.

Total Responses: 200,200.

Average Burden Hours per Response: 1.25.

Estimate Total Annual Burden Hours: 200,050.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed at Washington, D.C. this 1st day of August, 1997.

John R. Beverly, III,

Director, U.S. Employment Service.

[FR Doc. 97-21027 Filed 8-7-97; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-01068 and 01068B]

Hickory Hills Industries, Incorporated, Savannah Manufacturing Company, Savannah, Tennessee and Fort Lauderdale, Florida; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on July 22, 1996, applicable to all workers of Hickory Hills Industries, Incorporated, Savannah Manufacturing Company, Savannah, Tennessee. The notice was published in the **Federal Register** on August 6, 1996 (61 FR 40853).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations occurred at Hickory Hills Industries, Incorporated, Fort Lauderdale, Florida when it closed during the last half of 1996. The workers at the Fort Lauderdale, Florida location provided sales office functions to support the production of children's sportswear at Savannah Manufacturing. Accordingly, the Department is amending the certification to cover workers at the Hickory Hills Industries, Incorporated, Fort Lauderdale, Florida.

The intent of the Department's certification is to include all workers of