

**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.*

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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

Hickory Industries, Incorporated adversely affected by imports from Mexico.

The amended notice applicable to NAFTA-01068 is hereby issued as follows:

All workers of Hickory Hills Industries, Incorporated, Savannah (Savannah Manufacturing Company), Tennessee (NAFTA-01068) and Hickory Hills Industries, Incorporated, Fort Lauderdale, Florida (NAFTA-01068B) who became totally or partially separated from employment on or after June 7, 1995 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of July 1997.

**Grant D. Beale,**

*Acting Director, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[NAFTA-01651]

#### Louisiana-Pacific Corporation, Chilco OSB, Chilco, Idaho; Including Leased Workers of Industrial Personnel, Coeur D'Alene, Idaho; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on May 30, 1997, applicable to all workers of Louisiana-Pacific Corporation, Chilco OSB, Chilco, Idaho. The notice was published in the **Federal Register** on June 13, 1997 (62 FR 32376).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State

shows that some employees of Louisiana-Pacific Corporation, Chilco OSB were leased from Industrial Personnel to produce Oriented Strand Board (OSB) for the construction industry at the Chilco, Idaho plant. Based on these findings, the Department is amending the certification to include workers of Industrial Personnel, Coeur D'Alene, Idaho leased to Louisiana-Pacific Corporation, Chilco OSB, Chilco, Idaho.

The intent of the Department's certification is to include all workers of Louisiana-Pacific Corporation adversely affected by imports from Canada.

The amended notice applicable to NAFTA-01651 is hereby issued as follows:

All workers of Louisiana-Pacific Corporation, Chilco OSB, Chilco, Idaho and leased workers of Industrial Personnel, Coeur D'Alene, Idaho engaged in employment related to the production of Oriented Strand Board (OSB) for Louisiana-Pacific Corporation, Chilco OSB, Chilco, Idaho who became totally or partially separated from employment on or after June 5, 1997 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of July, 1997.

**Grant D. Beale,**

*Acting Director, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (P.L. 103-182), hereinafter called (NAFTA-TAA), have been filed with

State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Program Manager of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes actions pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment of after December 8, 1993 (date of enactment of P.L. 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Program Manager of OTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request is filed in writing with the Program Manager of OTAA not later than August 18, 1997.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Program Manager of OTAA at the address shown below not later than August 18, 1997.

Petitions filed with the Governors are available for inspection at the Office of the Program Manager, OTAA, ETA, DOL, Room C-4318, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 23rd day of July, 1997.

**Grant D. Beale,**

*Acting Director, Office of Trade Adjustment Assistance.*

#### Appendix

Subject firm	Location	Date received at Governor's office	Petition number	Articles produced
Yonah Realty (Co.) .....	Cornelia, GA .....	06/20/97	NAFTA-1,742	Baby products.
Continental Sprayers (Wkrs) .....	El Paso, TX .....	06/23/97	NAFTA-1,743	Plastic injection molder.
Fair Haven Industries (IBT) .....	Fair Haven, MI .....	06/12/97	NAFTA-1,744	Automotive sewing.
Morrison Farms (Co.) .....	McAlphin, FL .....	05/27/97	NAFTA-1,745	Corn, green beans.
Hundley Farms (Co.) .....	Lozahatchee, FL .....	05/27/97	NAFTA-1,746	Corn.
John F. Spooner (Co.) .....	Belle Glade, FL .....	05/27/97	NAFTA-1,747	Green beans.
Rivergold (Co.) .....	Ft. Pierce, FL .....	05/27/97	NAFTA-1,748	Pick citrus.
Glades H and P (Co.) .....	Belle Glade, FL .....	05/27/97	NAFTA-1,749	Cane and corn.
Tina Borek Farm (Wkrs) .....	Miami, FL .....	05/06/97	NAFTA-1,750	Corn.
Paul Miller (Co.) .....	Belle Glade, FL .....	05/27/97	NAFTA-1,751	Sweet corn, sugar cane.
Tricor Direct (Wkrs) .....	Ft. Lauderdale, FL ...	06/18/97	NAFTA-1,752	Custom die cut label plates.
Ag Labors (Co.) .....	Belle Glade, FL .....	05/27/97	NAFTA-1,753	Sugar cane.