

storm water requirements of the Clean Water Act, its regulations, and applicable permits at numerous Home Depot construction sites in numerous states across the country. The consent decree requires Home Depot to implement a comprehensive, corporate-wide program to prevent storm water pollution at each new store it builds nationwide. Among other things, Home Depot must develop improved storm water pollution prevention plans for each site, perform increased inspections with its construction contractors and promptly correct any problems at its sites, and develop a training program for its construction managers and contractors on the federal storm water requirements. The company is also required to appoint a high-level company official to oversee compliance at all Home Depot construction sites and to implement a management and internal reporting system to improve oversight of on-the-ground operations. Home Depot must also pay a \$1.3 million civil penalty, \$35,000 of which is to be paid to Colorado.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the decree. 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 P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and State of Colorado v. Home Depot USA, Inc.*, D.J. Ref. 90-5-1-1-08058. The decree may be examined at the Office of the United States Attorney, The Nemours Building, 1007 Orange Street, Suite 700, P.O. Box 2046, Wilmington, DE 19899-2046, and at the U.S. EPA Docket Center, 1301 Constitution Ave., NW, Washington, DC 20460. During the public comment period, the decree may also be examined on the following 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 decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, 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 number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$25.25 (25 cents per page reproduction cost) 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.

**Karen S. Dworkin,**

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

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Non-Electronic Filing of Applications for Permanent and Temporary Foreign Labor Certification

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

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) announces administrative changes in the locations where future non-electronic applications must be filed under the permanent foreign labor certification program and temporary foreign labor certification programs administered by the ETA's Office of Foreign Labor Certification (OFLC).

**DATES:** This Notice is effective on June 1, 2008. Beginning June 16, 2008, applications and attestations filed non-electronically with the incorrect National Processing Center or the National OFLC will be returned to the filer for proper submission.

#### ADDRESSES:

*Atlanta NPC:* U.S. Department of Labor, Employment and Training Administration, Atlanta National Processing Center, Harris Tower, 233 Peachtree Street, NE., Suite 410, Atlanta, Georgia 30303, telephone: (404) 893-0101, facsimile: (404) 893-4642, help desk e-mail: [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov).

*Chicago NPC:* U.S. Department of Labor, Employment and Training Administration, Chicago National Processing Center, 844 North Rush Street, 12th Floor, Chicago, Illinois 60611, telephone: (312) 886-8000, facsimile: (312) 353-3352, help desk e-mail: [plc.chicago@dol.gov](mailto:plc.chicago@dol.gov).

*OFLC National Office:* Temporary Programs Manager, Office of Foreign Labor Certification, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210, telephone: (202) 693-3010. The above telephone and facsimile numbers are not toll-free.

**FOR FURTHER INFORMATION CONTACT:** William L. Carlson, PhD.,

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

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The OFLC provides national leadership and policy guidance, and develops regulations and administrative procedures to carry out the responsibilities of the Secretary of Labor under the Immigration and Nationality Act (INA) concerning foreign workers seeking admission to the United States in order to work under the labor certification programs authorized by the INA. In December 2004, OFLC opened two National Processing Centers (NPCs), one each located in Atlanta and Chicago, as part of a long-term strategy to streamline, re-engineer, and centralize labor certification processes that historically were fragmented, duplicative, lengthy, and unduly burdensome. These Centers currently process labor certification applications filed by, or on behalf of, employers seeking to employ foreign workers in the U.S. under the permanent labor certification program and temporary nonimmigrant H-2A and H-2B programs, including certain applications which have required special handling. In addition, the National OFLC receives and processes labor certification applications for certain other classes of temporary nonimmigrant programs, such as those for D-1 crewmembers performing longshore work, emergency boilermakers, professional athletes, and H-1C nurses in health professional shortage areas. Employers file many of the forms and applications under such programs with the Department of Labor electronically, but some forms and applications continue to be filed non-electronically.

The purpose of this Notice is to update the filing instructions for labor certification applications in the permanent and temporary labor certification programs, in light of the Department's continuing efforts to make its processing of applications as efficient and effective as is appropriate. Further, this Notice announces the Department's decision to centralize the processing of permanent applications in the Atlanta NPC and the processing of temporary program applications in the Chicago NPC. Labor certification applications filed by, or on behalf of, employers in the following programs will be affected by this Notice:

### A. Immigrant Program

#### • Permanent Labor Certification Program

Certain employment-based immigrant programs provide a means for employers to employ foreign nationals to work permanently in the United States. Before filing an immigrant petition with the Department of Homeland Security (DHS) to sponsor a foreign worker for employment in certain employment-based immigrant visa categories, employers must first apply with the Secretary of Labor for a certification that: (1) There are not sufficient U.S. workers who are able, willing, qualified, and available to perform the work and (2) employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 U.S.C. 1182(a)(5)(A); 20 CFR part 656.

### B. Nonimmigrant Programs

#### • D-1 Temporary Program

The D-1 nonimmigrant program provides a means for U.S. employers to import foreign nationals on a temporary basis as crewmembers to perform longshore activities at U.S. ports, including locations in the State of Alaska. Before filing a D-1 petition for nonimmigrant work with the DHS, an employer must first file with the Secretary of Labor an attestation as to certain criteria required of the employer and the job opportunity. 8 U.S.C. 1101(a)(15)(D)(i) and 1288; 20 CFR part 655, subparts F and G.

#### • H-1B Temporary Program

The H-1B nonimmigrant program provides a means for U.S. employers to import foreign nationals on a temporary basis to perform services in a specialty occupation or as a fashion model. Before filing an H-1B petition for a nonimmigrant worker with the DHS, an employer must first file with the Secretary of Labor a labor condition application as to certain criteria required of the employer and the job opportunity. 8 U.S.C. 1101(a)(15)(H)(i)(b) and 1182(n); 20 CFR part 655, subparts H and I.

#### • H-1B1 Temporary Program

The H-1B1 nonimmigrant program provides a means for U.S. employers to import nationals of Chile and Singapore to perform services in a specialty occupation. Before filing an H-1B1 petition for a nonimmigrant worker with DHS, an employer must first file with the Secretary of Labor an attestation as to certain criteria required of the employer and the job opportunity. 8 U.S.C. 1101(a)(15)(H)(i)(b1) and 1182(t); 20 CFR part 655, subparts H and I.

#### • E-3 Temporary Program

The E-3 nonimmigrant program provides a means for U.S. employers to import foreign nationals of Australia to perform services in a specialty occupation. Before filing an E-3 petition for a nonimmigrant worker with DHS, an employer must first file with the Secretary of Labor an attestation as to certain criteria required of the employer and the job opportunity. 8 U.S.C. 1101(a)(15)(E)(iii) and 1182(t); 20 CFR part 655, subparts H and I.

#### • H-1C Temporary Program

The H-1C nonimmigrant program provides a means for certain facilities to import foreign workers on a temporary basis to perform services as registered nurses in health professional shortage areas. Before filing an H-1C petition for a nonimmigrant worker with DHS, an employer must first file with the Secretary of Labor an attestation as to certain criteria required of the facility and the job opportunity. 8 U.S.C. 1101(a)(15)(H)(i)(c) and 1182(m); 20 CFR part 655, subparts L and M.

#### • H-2A Temporary Labor Certification Program

The H-2A nonimmigrant program provides a means for U.S. employers to employ foreign workers on a temporary or seasonal basis to perform agricultural labor or services of a temporary or seasonal nature. Before filing an H-2A petition for a nonimmigrant worker with DHS, an employer must first apply with the Secretary of Labor for a certification that: (1) There are not sufficient U.S. workers who are able, willing, qualified, and available to perform the labor or services; and (2) employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 U.S.C. 1101(a)(15)(H)(ii)(a) and 1188; 20 CFR part 655, subpart B; see also 29 CFR part 501.

#### • H-2B Temporary Labor Certification Program

The H-2B nonimmigrant program provides a means for U.S. employers to employ foreign workers on a temporary basis to perform non-agricultural services or labor, if unemployed U.S. workers are unavailable. Before filing an H-2B petition for nonimmigrant worker with DHS, an employer (other than in Guam) must first apply with the Secretary of Labor or the Governor of Guam for a certification that: (1) U.S. workers capable of performing the temporary labor or services are not available; and (2) employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184(c)(1); and 20 CFR part 655,

subparts A and C; see also 8 CFR 214.2(h)(6).

## II. Administrative Changes to Filing Locations

The Department is announcing administrative changes in the locations where future applications must be filed under the permanent labor certification program and certain temporary foreign labor certification programs administered by the OFLC. The Atlanta NPC will receive all applications for permanent labor certification under the Program Electronic Review Management (PERM) System, and the Chicago NPC will receive all applications for temporary labor certification under the programs as identified below. Beginning on the effective date of this Notice, the National OFLC will no longer receive any foreign labor certification applications. Centralizing the filing of labor certification applications and specializing each NPC will increase operational efficiencies in each program, improve customer service that reduces confusion with respect to where permanent and temporary labor certification applications should be filed, enhance efforts to combat fraud and abuse within and across each program, and promote greater consistency and uniformity in the adjudication of labor certification applications.

For the first 15 calendar days after the effective date of this Notice, applications and attestations filed with the incorrect NPC or OFLC National Office will be forwarded to the correct NPC. However, beginning Monday, June 16, 2008, applications and attestations filed with the incorrect NPC or OFLC National Office will be returned to the filer for proper filing.

### A. Application Filings With the Atlanta NPC

#### Permanent Labor Certification Program

**General:** The Department strongly encourages employers to file PERM applications using the Permanent Online System at <http://www.plc.doleta.gov>. Effective June 1, 2008, employers who do not wish to file online must mail their PERM applications directly to the Atlanta NPC.

**Professional Athletes:** There are special procedures for the permanent employment of immigrant professional athletes. Effective June 1, 2008, employers must file PERM applications under the special procedures for professional athletes directly with the Atlanta NPC.

### B. Application Filings With the Chicago NPC

#### 1. D-1 Temporary Program

*General:* Effective June 1, 2008, employers must file Attestations for D-1 Nonimmigrant Crewmembers performing longshore activities directly with the Chicago NPC.

#### 2. H-1B, H-1B1, and E-3 Temporary Nonimmigrant Programs

*General:* Except as authorized below, employers must continue to file H-1B, H-1B1, and E-3 Labor Condition Applications (LCAs) using the LCA Online System at <http://www.lca.doleta.gov>. Effective June 1, 2008, employers with physical disabilities authorized by the OFLC National Office to file LCAs using U.S. mail must file directly with the Chicago NPC.

#### 3. H-1C Temporary Program

*General:* Effective June 1, 2008, employers must file Attestations for H-1C Nonimmigrant Nurses directly with the Chicago NPC.

#### 4. H-2A Temporary Labor Certification Program

*General:* Effective June 1, 2008, employers must file applications for H-2A temporary labor certification concurrently with the Chicago NPC and the State Workforce Agency (SWA) serving the area of intended employment. If a fixed-site employer has one or more worksites in the same area of intended employment, and the area of intended employment lies in the jurisdiction of more than one SWA, the employer must file a single application concurrently with the Chicago NPC and the SWA in the State where the work will begin.

#### 5. H-2B Temporary Labor Certification Program

*General:* Employers must continue to file applications for H-2B temporary labor certification (including those filed for tree planting and related reforestation activities) with the SWA serving the area of intended employment. If an employer has one or more worksites in the same area of intended employment (i.e., Metropolitan Statistical Area), and the area of intended employment lies in the jurisdiction of more than one SWA, the employer may file a single application with the SWA in the State where the work will begin. However, for all applications filed with the SWA on or after June 1, 2008, the SWA must send completed applications to the Chicago NPC.

i. *Logging:* Employers must continue to file applications with their respective SWAs for temporary labor certification for the logging industry, i.e., Maine, New Hampshire, New York, or Vermont SWA. However, for all applications filed with the SWA on or after June 1, 2008, the SWA must send the completed applications directly to the Chicago NPC.

ii. *Entertainers:* Employers must continue to file applications for H-2B temporary labor certification with the SWA Offices Specializing in Entertainment (OSEs) in Austin, New York, or Sacramento. After processing, the SWA OSE must continue to send all completed applications to the Chicago NPC.

iii. *Emergency boilermaker applications and professional athletes:* Effective June 1, 2008, employers must file applications for H-2B temporary labor certification for emergency boilermakers and professional athletes directly with the Chicago NPC.

### III. Administrative Changes in Requesting Withdrawals

Beginning June 1, 2008, all requests for withdrawals of PERM applications must be submitted to the Atlanta NPC. All requests for withdrawals of LCAs, labor certifications for H-2A or H-2B, or H-1C attestations that cannot be made electronically must be submitted to the Chicago NPC.

**Authority:** Employment and Training Order No. 2-05, June 22, 2005; 70 FR 39386 (July 7, 2005).

Signed in Washington, DC, this 25th day of February, 2008.

**Douglas F. Small,**

*Deputy Assistant Secretary, Employment and Training Administration.*

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**BILLING CODE 4510-FF-P**

## DEPARTMENT OF LABOR

### Veterans' Employment & Training Service

#### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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 Veterans' Employment & Training Service is soliciting comments concerning the proposed collection: Veteran Employment Services Survey. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before Friday, April 4, 2008.

**ADDRESSES:** Ms. Ruth M. Samardick, Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-1325, Washington, DC 20210, telephone (202) 693-4706, fax (202) 693-4754, e-mail [samardick.ruth@dol.gov](mailto:samardick.ruth@dol.gov). Please use only one method of transmission for comments (mail, fax, or e-mail).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The purpose of this information collection is to learn more about veteran users of One-Stop Career Centers who do not appear to have had successful employment outcomes. The survey data collected will help determine to what extent the apparent lack of successful outcomes for veteran job seekers, as measured by the participating state's reported entered employment rate (EER), corresponds to an actual lack of success or to measurement methods. If current measurement methods are inaccurate, the collection will provide information about the nature of the problem. The survey results will be used to estimate the size of the measurement gap—the difference between the reported EER and the true EER. In estimating the true EER, we will estimate the number and percentage of veterans who are unsuccessful finding jobs.

Further, this collection will allow DOL to learn key characteristics and reasons why some veterans have difficulty or fail to find jobs, learn what services were received and what veterans thought of them, and learn what services were not received and whether they were needed.