

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-40,349]

Willamette Industries, Inc., (Currently Known as Weyerhaeuser), Saginaw Planer, Saginaw, OR; Notice of Revised Determination on Reconsideration

By letter of May 4, 2002, the company requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on March 26, 2002, based on the finding that a survey of customers indicated that increased imports did not contribute importantly to worker separations at the subject firm. The denial notice was published in the **Federal Register** on April 5, 2002 (67 FR 16441).

The company requested further examination of the survey conducted by the Department of Labor (DOL) and also requested that a new survey be conducted if the initial survey was performed incorrectly.

The Department on further review of the survey results discovered that a major customer increased their reliance on imported lumber like or directly competitive with products produced at the subject plant during relevant period.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Willamette Industries, Inc., Saginaw Planer, Saginaw, Oregon contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Willamette Industries, Inc., Saginaw Planer, Saginaw, Oregon who became totally or partially separated from employment on or after November 2, 2000 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 6th day of June 2002.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.
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BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Labor Certification for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Administrative Measures To Improve Program Performance**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; request for comments.

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 Department of Labor is soliciting comments concerning the proposed extension of the Paperwork Reduction Act. 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 **ADDRESSES** section below August 20, 2002.

ADDRESSES: Submit written comments to Charlene G. Giles, Team Leader, Temporary Programs, Division of Foreign Labor Certification, Employment and Training Administration, 200 Constitution Avenue, NW., Room C-4318, Washington, DC 20210. Telephone: (202) 693-2950 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:**I. Background**

At 64 FR 34958 (June 29, 1999), the Department amended its regulations to improve program performance related to the certification of temporary employment of nonimmigrant agricultural (H-2A workers) in the United States. One improvement was to modify the requirement that an employer notify the State Employment Security Agency (now known as the State Workforce Agency (SWA)), in writing, of the exact date on which the H-2A workers depart for the employer's place of business. The rule states that the departure date is now deemed to be the third day before the employer's first date of need for the foreign workers. Only if the workers do not depart by the date of need is the employer required to notify the SWA as soon as the employer knows that the workers will not depart by the first date of need, but no later than such date of need. The employer also must notify the SWA of the worker's expected departure date en route to the employment, if known. The departure date is used as the starting date of the contract period for the purposes of the "50-percent rule" under 20 CFR 655.103(e). That regulation provides that the employer must continue to provide employment to any qualified and eligible U.S. worker who applies to the employer until 50 percent of the work contract period, under which the foreign worker, who is in the job, has elapsed. The employer's obligation to engage in positive recruitment ends on the day the foreign workers depart for the employer's place of business. The employer, however, must keep an active job order on file until the "50 percent rule", has been met. The amendment to the regulations regarding the departure date notification substantially reduced the reporting burden on employers yet continued to allow the SWA to properly administer the "50 percent rule".

II. Review Focus

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;