

requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Claim for Reimbursement—Assisted Reemployment (CA-2231). 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 April 19, 2010.

**ADDRESSES:** Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0372, fax (202) 693-1378, email [Alvarez.Vincent@dol.gov](mailto:Alvarez.Vincent@dol.gov). Please use only one method of transmission for comments (mail, fax, or email).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA) under 5 U.S.C. 8101 *et seq.* Section 8104(a) of the FECA provides vocational rehabilitation services to eligible injured workers to facilitate their return to work. The costs of providing these vocational rehabilitation services are paid from the Employees' Compensation Fund. Annual appropriations language (currently in Pub. L. 109-289), provides OWCP with legal authority to use amounts from the Fund to reimburse private sector employers for a portion of the salary of reemployed disabled Federal workers they have hired through OWCP's assisted reemployment program. Information collected on Form CA-2231 provides OWCP with the necessary remittance information for the employer, documents the hours of work, certifies the payment of wages to the claimant for which reimbursement is sought, and summarizes the nature and costs of the wage reimbursement program for a prompt decision by OWCP. This information collection is currently approved for use through June 30, 2010.

**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;
- 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.

**III. Current Actions**

The Department of Labor seeks extension of approval to collect this information to ensure timely and accurate payments to eligible employers for reimbursement claims.

*Type of Review:* Extension.

*Agency:* Office of Workers' Compensation Programs.

*Title:* Claim for Reimbursement-Assisted Reemployment.

*OMB Number:* 1215-0178.

*Agency Number:* CA-2231.

*Affected Public:* Business or other for-profit, not-for-profit institutions.

*Total Respondents:* 25.

*Total Annual Responses:* 100.

*Average Time per Response:* 30 minutes.

*Estimated Total Burden Hours:* 50.

*Frequency:* Quarterly.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$47.

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.

Dated: February 12, 2010.

**Vincent Alvarez,**

*Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.*

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**BILLING CODE 4510-CH-P**

**DEPARTMENT OF LABOR**

**Office of Workers' Compensation Programs**

**Proposed Extension of the Approval of Information Collection Requirements**

**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 Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Medical Travel Refund Request (OWCP-957). 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 April 19, 2010.

**ADDRESSES:** Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0372, fax (202) 693-1378, e-mail [Alvarez.Vincent@dol.gov](mailto:Alvarez.Vincent@dol.gov). Please use only one method of transmission for comments (mail, fax, or e-mail).

**SUPPLEMENTARY INFORMATION:**

*I. Background:* The Office of Workers' Compensation Programs (OWCP) is the agency responsible for administration of the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.*, the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, and the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* All three of these statutes require that OWCP reimburse beneficiaries for travel expenses for covered medical treatment. In order to determine whether amounts requested as travel expenses are appropriate, OWCP must receive certain data elements, including the signature of the physician for medical expenses claimed under the BLBA. Form OWCP-957 is the standard format for the collection of these data elements. The regulations implementing these three statutes allow for the collection of information needed to enable OWCP to determine if reimbursement requests for travel expenses should be paid. This information collection is currently approved for use through August 31, 2010.

*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;
- 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.

*III. Current Actions:* The Department of Labor seeks approval for the extension of this information collection in order to carry out its responsibility to determine if requests for reimbursement for out-of-pocket expenses incurred when traveling to medical providers for covered medical testing or treatment should be paid.

*Type of Review:* Extension.

*Agency:* Office of Workers' Compensation Programs.

*Title:* Medical Travel Refund Request.

*OMB Number:* 1215-0054.

*Agency Number:* CM-957.

*Affected Public:* Individual or households.

*Total Respondents:* 182,535.

*Total Responses:* 182,535.

*Time per Response:* 10 minutes.

*Estimated Total Burden Hours:* 30,301.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$85,791.

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.

**Vincent Alvarez,**

*Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.*

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**BILLING CODE 4510-CR-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Temporary Agricultural Employment of H-2A Workers in the United States: 2010 Adverse Effect Wage Rates, Allowable Charges for Agricultural Workers' Meals, and Maximum Travel Subsistence Reimbursement

**AGENCY:** Employment and Training Administration.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department) is issuing this Notice to announce the new 2010 Adverse Effect Wage Rates (AEWRs) and the 2010 maximum allowable meal and travel subsistence charges applicable to employers seeking to employ H-2A nonimmigrant workers to perform agricultural labor in the United States (U.S.) on a temporary or seasonal basis.

**DATES:** *Effective Date:* March 15, 2010.

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

##### A. Background

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 in the U.S. unless the petitioner has received from the Department, an H-2A temporary labor certification. Approved labor certifications attest that: (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), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5).

To ensure that the two preconditions to certification are met, the Department's H-2A regulations require, among other things, that employers offer and pay their H-2A and U.S. workers the highest of the AEWR, the prevailing hourly wage rate, the prevailing piece rate, the agreed-upon collective bargaining rate, or the Federal or State minimum wage rate, in effect at the time

work is performed, whichever is highest. 20 CFR 655.122(l).

##### B. Adverse Effect Wage Rates for 2010

The AEWR serves as the floor for the agricultural wage rates in the H-2A program and is designed to prevent the potential wage-depressive impact the agricultural employment of nonimmigrant foreign workers may have on the domestic agricultural workforce.

Since 1953, the Department has computed and published AEWRs for the temporary employment of nonimmigrant foreign workers for agricultural employment under various admission programs. Between 1963 and 1987, the Department applied a variety of methodologies to determine how AEWR should be set. In 1989, the Department promulgated an Interim Final Rule (IFR) reaffirming the AEWR calculation methodology it initially established in the 1987 IFR that promulgated the first H-2A program regulations. 54 FR 28037, Jul. 5, 1989 and 52 FR 20496, Jun. 1, 1987. In the 1989 IFR, the Department retained the methodology that based the AEWRs on the level of actual average hourly agricultural wages for each State, as surveyed by the U.S. Department of Agriculture (USDA). This methodology set the AEWRs in each year for the H-2A program at a level equal to the previous year's annual regional average hourly wage rates for field and livestock workers (combined), as computed by USDA quarterly wage surveys. 54 FR 28037-28039, Jul. 5, 1989. The USDA-based methodology for calculating the AEWRs remained in place until January 17, 2009, the effective date of the Department's Final Rule on the Temporary Agricultural Employment of H-2A Aliens in the United States; Modernizing the Labor Certification Process and Enforcement, in which the Department adopted a different methodology that set the AEWRs at prevailing wage rates by relying on the Bureau of Labor Statistics Occupational Employment Statistics survey. 73 FR 77110, 77167, Dec. 18, 2008.

However, the Department has now published a Final Rule addressing the Temporary Agricultural Employment of H-2A Aliens in the United States, 75 FR 6884, February 12, 2010 (2010 Final Rule). In the 2010 Final Rule, the Department announced that the H-2A AEWR will once again be based on the USDA data compiled through its Farm Labor Survey (FLS) Reports.

Therefore, unless otherwise provided in 20 CFR part 655, subpart B, the AEWRs applicable to all agricultural employment subject to the 2010 Final Rule (except those occupations for